इसे वेबसाईट **www.govtpressmp.nic.in** से भी डाउन लोड किया जा सकता है.

मध्यप्रदेश राजपत्र

प्राधिकार से प्रकाशित

क्रमांक 10] भोपाल, शुक्रवार, दिनांक 4 मार्च 2016—फाल्गुन 14, शक 1937

भाग ४

विषय-सूची

(क) (1) मध्यप्रदेश विधेयक, (2) प्रवर समिति के प्रतिवेदन, (3) संसद में पुर:स्थापित विधेयक.
(ख) (1) अध्यादेश, (2) मध्यप्रदेश अधिनियम, (3) संसद् के अधिनियम.
(ग) (1) प्रारूप नियम, (2) अन्तिम नियम.

भाग ४ (क)—कुछ नहीं

भाग ४ (ख)

अध्यादेश

उच्च शिक्षा विभाग

मंत्रालय, वल्लभ भवन, भोपाल

भोपाल, दिनांक 23 फरवरी 2016

क्र. आर-10-सीसी-2016-अड़तीस.—मध्यप्रदेश निजी विश्वविद्यालय (स्थापना एवं संचालन) अधिनियम, 2007 की धारा 29 के अनुक्रम में रामकृष्ण धर्मार्थ फाउण्डेशन निजी विश्वविद्यालय, भोपाल के संशोधित अध्यादेश क्र. 02, 05, 20 तथा 31 एवं पश्चात्वर्ती अध्यादेश क्र. 49 से 64 राज्य शासन के निर्देशों के अनुसार अधिनियम, 2007 की धारा 35 अनुसार प्रकाशित किया जाता है. संस्था के संशोधित अध्यादेश प्रकाशित होने की तारीख से प्रवृत्त होंगे तथा संस्था के समस्त पश्चात्वर्ती अध्यादेश संबंधित अधिकृत निकाय के अनुमोदन के पश्चात् विश्वविद्यालय द्वारा प्रारंभ किये जा सकेंगे.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
ए. एस. यादव, उपसचिव.

THE RAM KRISHNA DHARMARTH FOUNDATION UNIVERSITY

SANSODHAN ORDINANCE 2015

SHORT TITLE AND COMMENCEMENT

1. This ordinance may be called the Ram Krishna Dharmarth Foundation University Sanshodhan 2015
2. It shall come into force on the date of its publication in the official Gazette
3. Amendment in Ordinance No. 2 of RKDF University

   In Ordinance No. 2 Admission of student subclause (i) of clause (2) shall be substituted and read as:-

   Provided that the reservation of seats and relaxation in percentage of minimum of marks wherever prescribed in respect of students belonging to scheduled castes and scheduled tribe OBC, Physically Handicapped, Sons/Daughter/Grand-sons/Grand-Daughters of freedom fighters as decided by State Government/Central Govt./ Regulatory bodies from time to time
4. Amendment in Ordinance No. 5 of RKDF University

   (i) In Ordinance No. 5 Conduct of Examination Clause 14 of Part -1 General, shall be Substituted and read as:-

   Except as otherwise decided by the Board of Management, the examination answer books and the documents regarding the marks obtained by the examinees except the tabulated results, shall be destroyed or otherwise disposed off after three months from the date of declaration of the results or one month from the date declaration of revaluation result

   (ii) In Ordinance No. 5 for Conduct of Examination of Clause 6 of Part – II "Semester System of Examination for 3 Years Graduate Courses" shall be substituted and read as:-

   Supplementary Examination / Second Examination can be conducted after the approval of Vice Chancellor

(iii) In Ordinance No. 5 for Conduct of Examination of Clause 7 of Part – II "Semester System of Examination for 3 Years Graduate Courses" shall be substituted and read as:-

"Student having valid Enrollment number of university, shall be allowed to appear in semester Examination of First year. If a Candidate does not appeared in any examination of 1st Year , he/ she shall not be permitted to appear in 2nd Year Examination. Candidates failed in 1st semester Examination or had not appeared in 1st semester Examination, shall be provisionally promoted to the 2nd semester and Candidate will be allowed to appear in the 1st semester Examination as EX student in next successive examination of a semester, along with the regular semester examination.

Candidate will be permitted to appear in 5th semester Examination only when he/she clears all the subjects of 1st Year. and candidates fails to do so he shall be offered year back. Such candidates may be allowed to appear as a backlog (EX) student in the successive semester examination, but he/she is not allowed keeping the term as a regular student."

Maximum duration to complete the Non-Technical degree is 5 Years

(iv) In Ordinance No. 5 for Conduct of Examination of Clause 14 of Part – III "Semester System of Examination for Post Graduate Courses" the words "Three years" to the words "Four Years"

(v) In Ordinance No. 5 for Conduct of Examination of Clause 2.1 (a), (b) of Part – IV "Exam Regulations for Engineering/ Technology Courses" shall be substituted and read as:-

"Student have valid Enrollment number of university, he/she shall be allowed to appear in semester Examination of First year.

If a Candidate does not appeared in any examination of 1st Year , he/ she shall not be permitted to appear in 2nd Year Examination, shall be provisionally promoted to the 2nd semester. Candidate will be allowed to appear and to appear in the 1st semester Examination as EX status in next successive examination of a semester, along with the regular semester examination.

(vi) In the Ordinance No. 5 Conduct of Examination of Clause 2.5 of Exam Regulation for Engineering Technology Courses shall be substituted and read as:-

Candidate will be permitted to appear in 3rd Year (or 5th semester) only when he/she clears all the subjects of 1st Semester (Candidate must passed the Ist year Examination with minimum of CGPA of 5.0). However failing in 1st Year; such candidates will be offered year back. Such candidates may be allowed to appear as a backlog (EX) student in the successive semester examination, but he/she is not allowed keeping the term as a regular student.

Candidate will permit to appear in 4th year (or 7th semester) only when he/she clears all the subjects upto 2nd Year (Candidate must passed the 1st year and 2nd year Examination with minimum of CGPA of 5.0). However failing in 2nd Year; such candidates will be offered year back. Candidates he/she may be allowed to appear as a backlog (EX) student in the successive semester examination, but he/she not allowed for keeping the term as a regular student.

Maximum duration to complete the Graduate (Engineering / Technology/ Pharmacy) degree is 8 Years.

BE (Lateral)

(For 3rd Semester admitted student)

Student having valid Enrollment number of university will be allowed for appearing in semester Examination of First year. If a Candidate has not appeared in 2nd Year, he/she not permitted to appear in 3rd year.

If a candidate fails in 3rd semester Examination or not appeared in 3rd semester Examination, such candidates will be provisionally promoted to the next semester. Candidate will be allowed to appear in all the subjects in next successive examination of a semester, along with the regular semester examination.

Candidate will be permitted to appear in 7th semester only when he/she clears all the subjects of 2nd Year (Candidate must passed the 2nd year Examination with minimum of CGPA of 5.0). However, candidates who have not cleared all the subjects of 2nd Year, Such candidate will be offered year back. Candidates may be allowed to appear as a backlog (EX) student in the successive semester examination, but he/she not allowed keeping the term as a regular student.

Maximum duration to complete the Graduate (Engineering/ Pharmacy) degree in case of Lateral entry is 6 Years

Post Graduate (Engineering/ Technology/ Pharmacy)

Students who have valid Enrollment number of university, he/she will be allowed for appearing in semester Examination of First year. If a Candidate not appeared in 1st Year, he/ she not permitted to appear in 2nd year examination.

Candidates failing in Ist semester Examination or not appeared in 1st semester Examination, Such candidate shall be provisionally promoted to the 2nd semester. Candidate will be allowed to appear and appear the 1st semester Examination as EX status in next successive examination of a semester, along with the regular semester examination. However failure in more than total six subjects of 1st Year examinations shall debar him/her from promotion to appear as a regular student of subsequent semester examination and he/she will be offered year back. Such candidates may be allowed to appear as a backlog student in the successive semester examination, but he/she not allowed to keep the term as a regular student.

Candidate will be permitted to appear in 4th semester only when he/she clear all subject upto 3rd Semester.

Maximum duration to Post Graduate (Engineering/ Technology/ Pharmacy) degree is 4 Years

Diploma Engineering

Student have valid Enrollment number of university, he/she allowed appearing in semester Examination of First year.

If Candidate not appeared in 1st Year, he/she are not permitted to appear in 2nd year. Candidates fail in Ist semester Examination or not appeared in 1st semester Examination, candidate shall be promoted to the 2nd semester. Candidate will be allowed to appear and pass the 1st semester Examination as EX status in next successive examination of a semester, along with the regular semester examination.

Candidate will permit to appear in 3rd Year (or 5th semester) only when he/she clears all the subjects of 1st Year. Those candidates who have not clear all the subjects of 1st Year; such candidates will be offer year back Candidates he/she may be allowed to appear as a backlog (EX) student in the successive semester examination, but he/she not allowed keeping the term as a regular student.

Maximum duration to Diploma Engineering is 6 Years.

Diploma pharmacy

Student have valid Enrollment number of university, he/she allowed appearing in semester Examination of First year.

All candidates who have appeared for the examination of Part-I Class in all the subject shall promoted to next year examination i.e. Part-II Class. However if any candidates fails in any of subject of Part-I D. Pharm examination, such candidates given a chance to appear in the supplementary examination of Part-I D Pharm and after supplementary examination if any candidate fails not more than two subject than such candidate will be promoted to Part-II Class examination otherwise such candidate shall be debar from the promotion to Part-II Class examination and such candidate have to reappear in Part-I Class examination

again as regular student. Such candidates who have failing in passing the Part-I/II exam in four attempts shall not be allowed to continue the course.

Maximum duration of course: The candidate shall be required to complete his course maximum with in 4 academic years."

5. Amendment in Ordinance No. 20 of RKDF University

In Clause (i) of Ordinance No. 20 for the words "One academic year" The words "Two Academic Years" consisting of four Semester shall be substituted and read as:-

The duration of Degree of Bachelor of Education of the University shall spread over two academic year consisting of 4 Semester

6. Amendment in Ordinance No. 31 of RKDF University

In Ordinance No. 31 Clause 1"Eligibility for Admission" the subclause (i) of Ordinance 31 Clause 1 shall be substituted and read as:-

Candidates seeking admission to the M.Ed. programme should have obtained at least 50% marks or an equivalent grade in B.Ed./ B.A.B.Ed./ B.Sc.B.Ed./ B.El.Ed / D.El.Ed with an undergraduate degree

7. Amendment in Ordinance No. 31 of RKDF University

In Ordinance No. 31 for Master of Education (M.Ed.) of Clause 2 "Duration of Course" shall be substituted and read as:-

The duration of Master of Education regular courses shall be of 2 academic year, spread in 4 Semester

ORDINANCE NO. 49

Ordinance for 3 Years Diploma Programme

1.0 THREE YEARS DIPLOMA PROGRAMMES

Hereafter referred as Diploma in disciplines of Engineering/Technology or Vocational/ Occupational based course of three-year (six-semester) duration, herein after called as 3-YDP, shall be designated as DIPLOMA in respective Branch.

1.1 This Diploma course shall include the branches of Applied Videography, Architecture, Cement Technology, Computer Science and Engineering, Costume Design and Dress making, Electronics (Y-Scheme), Electronics & Telecommunication Engineering , Food Technology, Garment Technology, Instrumentation Engineering , Interior Decoration and Design, Information Technology, Metallurgy, Mining and Mine Surveying, Modern Office Management, Opto-Electronics, Production Engineering , Textile Design, Automobile Engineering, Chemical Engineering, Civil Engineering, Construction Technology and Management, Electrical Engineerin, Mechanical Engineering, Refinery and Petro chemical, Plastic Technology, Printing Technology, Refrigeration and Air Conditioning Engineering, Textile Technology, Ophthalmic Technology, Architectural Assistantship, Architecture and Interior Design, Electronics and Instrumentation, Film Technology and TV Production, Computer hardware and maintenance, Electrical and Electronics Engineering.

1.2 The studies and examinations of these Diploma programmes shall be on the basis of semester system for 3 academic years spread over six semesters.

2.0 Rules for Admissions

2.1 Minimum Qualification and conditions for admissions will be as per AICTE norms.

2.2 For admission to the first semester of the Diploma programme, the minimum qualification shall be the passing of 10th std/SSC examination scheme conducted by M.P. Board of Secondary Education or an equivalent examination from a recognized Board/University

2.3 For admission to the third semester of the Diploma programme (3rd Semester / 2nd Year by Lateral Entry) the minimum qualification shall be: Passed higher secondary (10+2) Science with vocational/Technical subjects

OR

Passed 10th std/SSC examination scheme conducted by M.P. Board of Secondary Education or an equivalent examination from a recognized Board/University and passed 2 years duration ITI with appropriate specialization.

2.4 Lateral Entry Seats are available to second year diploma courses of appropriate program,up to maximum of 20% of sanctioned intake and vacant/ fallout seats of first year intake

2.5 The reservation of seats for SC, ST, OBC and Physically handicapped shall be as per rules of State Govt./Central Govt./ Regulatory bodies.

3.0 EXAMINATIONS

3.1 There shall be University Examination at the end of each semester

3.2 Diploma In Engineering of 3 years course shall be as per the schemes approve by the Board of Studies of the University as per guidelines of Regulatory bodies i.e. AICTE

3.3 The regular examinations of First semester (I), Third semester (III) and Fifth semester (V) called odd semesters, shall generally be held in the months of November-December. Similarly the regular examinations of Second semester (II) Fourth semester (IV) and Sixth semester (VI) called even semesters, shall generally be held in the months of May- June, the dates of which shall be notified to all the concerned Colleges/Institutions.

3.4 Examination Rules shall be as per ordinance No. 5 of RKDF University.

3.5 There shall be normally 90 days of teaching in every semester

3.6 For a student, maximum duration completion of total course will be eight years.

4.0 RULES FOR ATTENDANCE

4.1 Minimum attendance required will be 75% in each semester for appearing in regular exam, provided that a short fall in attendance up to 10% and a further 5% can be condoned by the Principal of the college and Vice-Chancellor of the University respectively for satisfactory and Genuine reasons.

5.0 Fees

As decided by University & after the approval of M.P. Private University Regulatory Commission

6.0 MEDIUM OF INSTRUCTION

6.1 The medium of instruction and examination shall be English and Hindi.

7.0 No. of seats in each branch shall be such as approved by Regulatory body i.e. AICTE

8.0 Notwithstanding anything stated in this Ordinance, for any unforeseen issues arising, and not covered by this Ordinance, or in the event of differences of interpretation, the Vice-Chancellor may take a decision after obtaining; if necessary, the opinion / advise of a Committee constituted for the purpose. The decision of the Vice-Chancellor shall be final.

Ordinance No. 50

Ordinance for 4 Year degree Course –B.Sc Agriculture

1.0 The duration of course is 4 Years, spread to 8 Semester. The Maximum duration shall be 6 Years

1.0 Admission

1.1 Eligibility Criteria

A candidate shall be eligible for admission to B.Sc. (Ag.), if he/she has passed 10+2/Intermediate examination in agriculture or in Science (with Physics, Chemistry and Mathematics/Biology) or any other equivalent examination recognized by the University securing at least 45% marks in aggregate. For Scheduled Caste/Scheduled Tribe OBC/Physical handicapped the relaxation in eligibility marks shall be as per rules of State/Central Govt. and Regulatory Body

1.2 Admission under this Course will be made as follows:

- The University will issue admission notification in news papers, on the University's website, notice Board of the University and in Print/Electronic media before the start of every cycle.
- List of candidates provisionally selected for admission/ shortlisted based on merit will be displayed on the notice Board of the University/ University's website/or the student will also be informed' directly of their admission after the last date of application.
- The candidates whose results of the qualifying exam are awaited can also apply who will be admitted provisionally. Such candidates however must produce the previous year mark sheet/school/college certificates as a proof of required eligibility criteria. The candidates so admitted shall have to be present mark sheet of the qualifying examination within a month of the due date of admission otherwise the provisional admission granted to him will be cancelled.
- The reservation of SC, ST, OBC and Physically handicapped shall be as per rules of state/Central Govt. and Regulatory Body.

d) The application form may be rejected due to any of the followingReasons:-

- The candidates does not fulfill the eligibility conditions

- The prescribed fees is not enclosed
- The application form is not signed by the candidate and his/her parent guardian, wherever required
- Supporting documents for admission are not enclosed.

(e) Enrollment/ Registration number will be assigned to the student by the University after verification & submission of all the necessary document /fees.

1.3 Fees for the Course shall be as per decision of Board of Management of University and after the approval of M.P. Private University Regulatory Commission

1.4 The number of seats shall be 75 in each batch & maximum three batch can be taken.

2.0 Medium of Instruction

Medium of Instruction shall be English & Hindi

3.0 Semester wise distribution of Courses for B.Sc. (Ag) degree programme

SEMESTER WISE COURSE DISTRIBUTION FOR B.Sc. (Ag.) DEGREE PROGRAMME

I^st Year

	I^st Semester	Credit
1.	Principles of Agronomy and Agricultural Meteorology	3(2+1)
2.	Principles of Genetics	3(2+1)
3.	Introduction of Soil Science	3(2+1)
4.	Fundamentals of Soil and Water Conservation Engineering	3(2+1)
5.	Plant Pathogens and Principles of Plant Pathology	4(3+1)
6.	Production technology of fruit crops	3(2+1)
7.	Introductory Agriculture (Ancient Heritage, Agriculture Scenario and Gender Equity in Agriculture)	1(1+0)
8.	NSS / NCC / Physical Education	1(0+1)
	TOTAL	**21(14+7)**

	II^nd Semester	Credit

1.	Introductory Nematology	2(1+1)
2.	Water Management including micro irrigation	3(2+1)
3.	Principles of Agricultural Economics	2(2+0)
4.	Dimensions of Agricultural Extension	2(1+1)
5.	Agricultural Microbiology	3(2+1)
6.	Introduction to Computer Application	2(1+1)
7.	Soil Chemistry, Soil Fertility and Nutrient Management	3(2+1)
8.	Principles of Plant Breeding	3(2+1)
9.	Protected Cultivation and Post Harvest Technology	2(1+1)
	TOTAL	**22(14+8)**

SEMESTER WISE COURSE DISTRIBUTION FOR B.Sc. (Ag.) DEGREE PROGRAMME

IInd Year

	IIIrd Semester	**Credit**
1.	Practical Crop Production I (Cereals, Pulses and Fodder Crops)	1(0+1)
2.	Insect Morphology and Systematics	3(2+1)
3.	Agricultural Finance and Cooperation	2(1+1)
4.	Farm Power and Machinery	2(1+1)
5.	Production Technology of Vegetables and Flowers	3(2+1)
6.	Livestock Production and Management	3(2+1)
7.	Organic Farming	3(2+1)
8.	Crop Physiology	3(2+1)
9.	Breeding of Field/Horticultural Crops	3(2+1)
	TOTAL	**23(14+9)**

	IVth Semester	**Credit**
1.	Practical Crop Production II (Oil seeds and commercial crops)	1(0+1)
2.	Manures, Fertilizers and Agrochemicals	3(2+1)
3.	Insect Ecology & Integrated Pest Management including beneficial insects	3(2+1)
4.	Agricultural Marketing, Trade and Prices	2(1+1)
5.	Diseases of Field Crops and their Management	3(2+1)
6.	Production Technology of Spices, Aromatics, Medicinal and	3(2+1)

	Plantation crops	
7.	Statistics	2(1+1)
8.	Principles of Seed Technology	3(2+1)
	TOTAL	**20(12+8)**

SEMESTER WISE COURSE DISTRIBUTION FOR B.Sc. (Ag.) DEGREE PROGRAMME

IIIrd Year

	Vth Semester	**Credit**
1.	Farming Systems and Sustainable Agriculture	2(1+1)
2.	Principles of Plant Biotechnology	3(2+1)
3.	Crop Pests and Stored grain pests and their management	3(2+1)
4.	Fundamentals of Agri Business Management (Including product development, Appraisal and Monitoring)	2(1+1)
5.	Field Crops-I (Kharif)	3(2+1)
6.	Fundamentals of Rural Sociology and Educational Psychology	2(2+0)
7.	Post harvest management and value addition of fruits and vegetables	2(1+1)
8.	Disease of Horticultural Crops and their management	3(2+1)
	TOTAL	**20(13+7)**

	VI Semester	**Credit**
1.	Production Economics and Farm Management	2(1+1)
2.	Extension Methodologies for Transfer of Agricultural Technology	2(1+1)
3.	Biochemistry	3(2+1)
4.	Entrepreneurship Development and Communication Skills	2(1+1)
5.	Field Crop - II (Rabi)	3(2+1)
6.	Comprehension and Communication Skills in English	2(1+1)
7.	Environmental Science	2(1+1)
8.	Weed Management	2(1+1)
9.	Renewable Energy	2(1+1)
	TOTAL	**20(11+9)**

SEMESTER WISE COURSE DISTRIBUTION FOR B.Sc. (Ag.) DEGREE PROGRAMME

IVth Year

VIIth Semester	Credit
Rural Agricultural Work Experience (RAWE)	5
Crop Production	4
Crop Protection	3
Rural Economics	4
Extension Programme	4
Research Station / KVK / DAATT Center activities and attachment to the Agro-based industries	
TOTAL	**20(0+20)**

VIII Semester	Credit
Courses for Experiential Learning	20
TOTAL	**20**

5.0 MERIT LISTS

5.1 Merit list of first 10 candidates in the order of merit shall be declared by the University at the end of sixth semester on the basis of the integrated performance of all the semesters, securing at least first division and passing all semester examinations in single attempt.

6.0 ATTENDANCE

As per approved Ordinance of University

7.0 MEDIUM OF INSTRUCTION AND EXAMINATION

7.1 The medium of instruction and examination shall be English and Hindi throughout the course of study.

8.0 Notwithstanding anything stated in this Ordinance, for any unforeseen issues arising, and not covered by this Ordinance, or in the event of differences of interpretation, the Vice-Chancellor may take a decision after obtaining; if necessary, the opinion I advise of a Committee consisting of any or all the Directors of the Schools. The decision of the • Vice-Chancellor shall be final

Ordinance No. 51

Ordinance for 4 Year degree Course –B. Tech Agriculture (Engineering)

1.0 The duration of course is 4 Years, spread to 8 Semester. The Maximum duration shall be 6 Years.

2.0 Admission

2.1 Eligibility Criteria

XII Std. Passed in 10+2 pattern Board of Higher Secondary Education or an equivalent examination With Physics, Chemistry, Mathematics & English

2.2 Admission under this Course will be made as follows:

- The University will issue admission notification in news papers, on the University's website, notice Board of the University and in order publicity media before the start of every cycle.
- List of candidates provisionally selected for admission/ shortlisted based on merit will be displayed on the notice Board of the University! University's website/or the student will also be informed' directly of their admission after the last date of application.
- The candidates whose results of the qualifying exam are awaited can also apply who will be admitted provisionally. Such candidates however must produce the previous year mark sheet/school/college certificates as a proof of required eligibility criteria. The candidates so admitted shall have to be present mark sheet of the qualifying examination within a month of the due date of admission the provisional admission granted to him will be cancelled.
- The reservation of seats for SC/ST/OBC/Physically handicapped shall be as per rules of State/ Central Govt. and Regulatory Body.

d) The application form may be rejected due to any of the followingReasons:-

- The candidates does not fulfill the eligibility conditions
- The prescribed fees is not enclosed
- The application form is not signed by the candidate and his/her parent guardian, wherever required

- Supporting documents for admission are not enclosed.

(f) Enrollment/ Registration number will be assigned to the student by the University after verification & submission of all the necessary document /fees.

2.3 Fees for the Course shall be as per decision of Board of Management of University and after the approval of M.P. Private University Regulatory Commission.

2.4 The number of seats shall be 60 in one batch & Maximum 2 Batch

3.0 Medium of Instruction

Medium of Instruction shall be English & Hindi

4.0 Semester wise distribution of Courses for B. Tech (Agriculture Engineering)

Semester Wise Courses

for B.Tech. (Agricultural Engineering)

S.No.	Name of the Course	Credits	Page No.
SEMESTER – I	**(First Year, Ist Semester)**		1
1.	Engineering Mathematics-I	3(3+0)	1
2.	Engineering Physics	3(2+1)	2
3.	Engineering Chemistry	3(2+1)	3
4.	Workshop Practice	1(0+1)	4
5.	Surveying and Leveling	3(1+2)	4
6.	Engineering Drawing	2(0+2)	5
7.	Environmental Science	3(3+0)	5
8.	Electrical Circuit	3(2+1)	6
SEMESTER – II	**(First Year, IInd Semester)**		7
1.	Engineering Mathematics–II	3(3+0)	7
2.	Computers Programming and Data Structures	3(1+2)	8
3.	Applied Electronics and Instrumentation	3(2+1)	8
4.	Agriculture for Engineers	4(3+1)	9
5.	Workshop Technology	3(2+1)	11
6.	Thermodynamics & Heat Engines	4(3+1)	12

7.	Field operation and Maintenance of Tractors and Farm Machinery-I	1(0+1)	13
8.	Engineering Mechanics	3(2+1)	13

S.No.	Name of the Course	Credits	Page No.
SEMESTER – III	**(Second Year, Ist Semester)**		15
1.	Engg. Properties of Biological Materials and Food Quality	3(2+1)	15
2.	Soil Mechanics	3(2+1)	16
3.	Soil & Water Conservation Engg	3(2+1)	17
4.	Farm Machinery and Equipment-I	3(2+1)	18
5.	Farm Power	3(2+1)	19
6.	Watershed Hydrology	3(2+1)	20
7.	Engineering Mathematics-III	3(3+0)	21
8.	Agribusiness Management and Trade	3(3+0)	22
SEMESTER – IV	**(Second Year, IInd Semester)**		23
1.	Farm Machinery and Equipment-II	3(2+1)	23
2.	Renewable Energy Sources	3(2+1)	24
3.	Irrigation Engineering	4(3+1)	25
4.	Crop Process Engineering	3(2+1)	26
5.	Fluid Mechanics	3(2+1)	27
6.	Theory of Machines	3(2+1)	28
7.	Heat and Mass Transfer	2(2+0)	29
8.	Field Operation and Maintenance of Tractors and Farm Machinery-II	2(1+1)	30
	Summer Field Training	NC	
SEMESTER – V	**(Third Year, Ist Semester)**		32
1.	Machine Drawing and Computer Graphics	3(1+2)	32
2.	Machine Design	3(2+1)	33
3.	Dairy & Food Engg	3(2+1)	34

S.No.	Name of the Course	Credits	Page No.
4.	Tractor Systems and Controls	3(2+1)	35
5.	Electrical M/C's and Power Utilization	3(2+1)	36
6.	Database Management & Internet Applications	2(0+2)	37
7.	Strength of Material	3(2+1)	37
8.	Ground Water, Wells and Pumps	3(2+1)	38
SEMESTER – VI	**(Third Year, IInd Semester)**		40
1.	Drying & Storage Engineering	4(3+1)	40
2.	Refrigeration & Air conditioning	3(2+1)	41
3.	Drainage Engineering	2(1+1)	42
4.	Soil and Water Conservation Structures	3(2+1)	43
5.	Agricultural Structure and Environmental Control	3(2+1)	44
6.	Design of Structure	3(2+1)	45
7.	Entrepreneurship Development and Communication Skills	3(2+1)	46
	Summer Field Training	NC	
SEMESTER – VII	**(Fourth Year, Ist Semester)**		48
	Project	6	48
	Seminar	1	48
	Student will have to take minimum of 15 credits courses from the following		
1.	Food Packaging Technology	3	48
2.	Design & Maintenance of Green House	3	49
3.	Waste and By-product Utilization	2	50
4.	Development of Processed Products & Equipments	3	51
5.	Food Processing Plant Design & Layout	2	52
6.	Micro Irrigation Systems Design	3	52
7.	Watershed Planning and Management	3	54
8.	Minor Irrigation & Command Area Development	3	55

9.	Environmental Engg.	3	56
10.	Gulley & Ravine Control Structures	3	56
11.	Remote Sensing & GIS Applications	3	57
12.	Reservoir & Farm Pond Design	3	58
13.	Tractor Design & Testing	3	59
14.	Hydraulic Drive & Controls	3	60
15.	Farm Power & Machinery Management	3	61
16.	Renewable Energy Technology	3	62
17.	Human Engg. & Safety	2	62
18.	Biomass Management for Fodder & Energy	2	63
19.	Production Technology of Agril. Machinery	3	64
20.	Mechanics of Tillage and Traction	3	65
21.	System Engineering	3	66
SEMESTER – VIII	**(Fourth Year, IInd Semester)**		
	Student will undertake in-plant-training of 25 credit hours which will include practical training at the Institution, training in one (4 months) / two (2 months each) Industrial Units and Educational tour.	25(0+25)	

5.0 MERIT LISTS

Merit list of first 10 candidates in the order of merit shall be declared by the University at the end of sixth semester on the basis of the integrated performance- of all the semesters, securing at least first division and passing all semester examinations in single attempt.

6.0 ATTENDANCE

As per Ordinance 11 clause 6

7.0 MEDIUM OF INSTRUCTION AND EXAMINATION

The medium of instruction and examination shall be English and Hindi throughout the course of study.

8.0 Notwithstanding anything stated in this Ordinance, for any unforeseen issues arising, and not covered by this Ordinance, or in the event of differences of interpretation, the Vice-Chancellor may take a decision after obtaining; if necessary, the opinion I advise of a Committee consisting of any or all the Directors of the Schools. The decision of the • Vice-Chancellor shall be final

Ordinance No. 52

Ordinance for B.Ed., M.Ed. Three Year Integrated Degree Programme

1.0 Preamble

The Integrated B.Ed.-M.Ed. Programme is a three-year full-time professional programme in education, without any option of intermediate exit before completing the 3 years of study as per rules/ Norms and standers of NCTE.

2.0 Duration and Working Days

2.1 Duration

The Integrated B.Ed.-M.Ed. programme shall be of a duration of three academic years. Students shall be permitted to complete the programme requirements of the three-year programme within a maximum period of four years from the date of admission to the programme.

2.2 Working Days

There shall be at least two hundred fifteen (215)working days each year exclusive of the period of admission and inclusive of classroom transaction, practicum, field study/internship and conduct of examination. In addition, the summer vacation shall be utilised for internship/practicum/taught components. The institution shall work for a minimum of thirty six hours in a week (five or six days as the case may be), during which faculty and students concerned with the conduct of the programme shall be available for the requirements of the programme, including interaction with and for mentoring students.

3.0 Intake, Eligibility, Admission Procedure and Fees

3.1 Intake

The basic unit size for the programme shall be 50 as per guidelines of NCTE.

3.2 Eligibility

Candidates seeking admission to the Integrated B.Ed.-M.Ed. programme should have a Postgraduate degree in Sciences/Social Sciences/Humanities from a recognized University institution with a minimum 55% marks or equivalent grade.

3.3 Admission Procedure

Admission shall be made on merit on the basis of marks obtained in the qualifying examination Reservation and relaxation for SC/ST/OBC/PWD and other applicable categories shall be as per the rules of the State Government

3.4 Fees

As decided by Board of Management of University & after its approval by M.P. Private University Regulatory Commission

4.0 Curriculum, Programme Implementation and Assessment

4.1 Curriculum

The curriculum of the B.Ed.-M.Ed. integrated programme shall comprise of Core and Specialisation Components. The Core shall have the following four components: i) Perspective Courses; ii) Research, Tools and Self-Development Component including dissertation, taught courses and workshops; iii) Teacher Education Component including taught courses and internship/attachment with teacher education institutions; v) School- related field experiences.The Specialisation component shall have 2 levels where students choose to specialise in: a) one of the school levels/areas (elementary, or secondary including senior secondary) and content-cum- pedagogy in school subject areas, which will comprise the core within the specialisation, and, b) within the school level chosen, the students select one domain/theme based area for specialisation (such as Education administration and management, Education policy, Inclusive Education, Curriculum, pedagogy and assessment, Educational technology, Foundations of Education, Higher Education, Early Childhood Education, etc.). The programme shall begin with courses, workshops and field experiences that are contextualised in school teaching, and gradually advance the level of study to teacher education level.Close mentorship by faculty in relevant areas shall be provided for in the programme in the form of tutorials, guided reading groups, field attachment, and supervised research project leading to dissertation.

(a) Theory Courses

Perspective; Research, Tools and Self-Development, Teacher Education and Specialisation Courses

Perspective Courses shall be in the areas of: Philosophy of Education; Sociology-History-Political Economy of Education; Psychology of Education; Education Studies; and Curriculum and Pedagogic Studies. The courses in foundational disciplines shall have two levels (basic and advanced). Critical reflection on gender, childhood, disability, and marginalisation,in relation to education, shall cut-across the core with a possibility of offering courses focussing on these. The

courses across the programme shall enable the prospective professionals to work towards inclusive classroom environments and education. *Research, Tools and Self-Development Component* shall comprise of workshops and courses in basic and advance level education research methods, research project leading to a dissertation, academic/professional writing, communication skills, observing children, language and teaching-learning, theatre in education, educational technology (including ICT), and the like. There shall be provisions for Self-development of the students (for example through workshops with focus on physical and mental well-being through modalities such as meditation, Yoga) and for critical engagement with gender and education, inclusive education and on areas of similar significance. Skills pertaining to ICT and educational technology shall be integrated in various courses in the programme.

Teacher Education courses, which are also linked with the internship/attachment in teacher education institution(s)) shall also be included.

The Specialisation component shall offer a possibility to specialise in one of the school stages (elementary or, secondary including senior secondary, etc.). These shall include courses in content-cum-pedagogy of school subjects. Other courses within the school stage specialisations shall cover selected thematic areas pertinent to that stage such as: Curriculum, pedagogy and assessment; Policy, economics and planning;Inclusive Education and Education for differently abled; etc. In addition, the programme shall offer baskets of elective courses enabling specializations in selected themes or domains with advance courses in Education administration and management; Education policy and planning; Inclusive Education; Curriculum, pedagogy and assessment; Educational technology; Foundations of Education; and the like. There shall be flexibility to allow students to choose foundation courses while specialising in one area.

(b) Practicum

Organisation of workshops, practicum activities, projects and seminars that enhance professional skills and understanding of the students shall be part of the teaching modality of the various taught courses. Hands-on experiences shall be organised at relevant places during transaction of the curriculum.

(c) Internship and Attachment

At least an equivalent of about 30 weeks of six days each of the three-year programme shall be devoted to field- based activities. The programme shall have the following kinds of systematically planned field-based activities and internships/attachments:1. School based attachment as per the school-level specialization which shall include school and classroom observations, classroom teaching practice, and focussed assignments/projects (16 weeks); 2. Working with community, 3. Working in an in-service teacher education context as per the school-level specialization and in a pre-service teacher preparation context as per the school-level specialization (4 weeks); 4. Exposure to a curriculum and/or textbook agency, policy making body, state education department etc. relevant to understanding educational practice at sites other than schools; and 5. Working in a field situation related to the thematic or focus area of specialization (4 weeks). These experiences shall be supplemented with opportunities for reflection, action research and writing.

5.0 Attendance:-

The Minimum attendance of students shall be 80% for Theory Courses and Practicum and 90% for field attachment

6.0 Medium of Institute

The medium of Instruction shall be English & Hindi both

7.0 Examination & Declaration of Result

As per decided by Academic Council of University

7.1 Successfully candidate shall be placed in a division on the basis of total marks obtained in the First, Second and Third Year of the Examination taken in accordance with the following scale. (No division shall be awarded in First and Second Year)

- 50% or above but lessthan 60% marks = Second Division
- 60% or above Marks = First Division
- A successfully candidate who has secured 75% or more marks in the aggregate in both theory and practicals may be declared to have earned distinction

7.2 The University shall as soon as possible, after the Examination is over but not later than 60th day from the date when the written Examination was over, will publish the results of the Examination.

8.0 Notwithstanding anything stated in this Ordinance, for any unforeseen issues arising, and not covered by this Ordinance, or in the event of differences of interpretation, the Vice-Chancellor with the approval M.P. Private University Regulatory Commission may take a decision

Ordinance No. 53

Ordinance for Diploma in Elementary Teacher Education Programme Leading to Diploma in Elementary Education (D.El.Ed)

1.0 Preamble

- The Diploma in Elementary Education (D.El.Ed.) is a two year professional programme of teacher education. As per NCTE Regulation formally know as D.Ed.

2.0 Duration and Working Days

- Duration

  The D.El.Ed. programme shall be of a duration of two academic years. However, the students shall be permitted to complete the programme within a maximum period of three years from the date of admission to the programme.

- Working Days

  (a) There shall be at least two hundred (200) working days each year exclusive of the period of examination and admission.

3.0 Intake, Eligibility, Admission Procedure and Fees

- intake

  The Basic unit shall be of 50 students and more units can be established as per approval of Academic Council of University

- Eligibility

  (a) Candidates with at least 50% marks in the Higher Secondary (+2) or its equivalent examination are eligible for admission.

  (b) The reservation and relaxation in marks for SC/ST/OBC/PWD and other categories shall be as per the rules of the State Govemment.

- Admission procedure

Admission shall be made on merit on the basis of marks obtained in the qualifying examination or any other selection process as decided by the Academic Council of University

- **Fees**

  As decided by University & after the approval of M.P. Private University Regulatory Commission

4.0 Curriculum

- **Curriculum**

  The D.El.Ed. Programme is to be designed to integrate the study of childhood, social context of education, subject knowledge, pedagogical knowledge, aims of education, and communication skills. The programme shall comprise of compulsory and optional theory courses; compulsory practicum courses; and comprehensive school internship. The theory and practicum courses shall be assigned a weightage in the proportion determined by the affiliating body. It shall be in broad alignment with the National Curriculum Framework for Teacher Education, while contextualizing it for the state or region concerned. ICT, gender, yoga education, and disability/inclusive education shall form integral part of the D.El.Ed. curriculum.

(a) Theory Courses

The theory courses shall comprise courses on perspectives in education, curriculum and pedagogic courses, and there shall also be optional courses in pedagogy. The theory courses shall include Foundations/Perspectives of Education in three broad rubrics, namely, Child Studies, Contemporary Studies, and Educational Studies. The theory courses shall also include language proficiency and communication, relevant field-based units of study including assignments and projects. The curriculum and pedagogy courses shall include courses in pedagogy for primary and upper primary curriculum areas.

Pedagogy courses in language, mathematics and environmental studies for the primary stage shall be compulsory; optional pedagogy courses in Social Science Education, Language Education, Mathematics Education, and Science Education shall be offered for teaching at the upper primary stage.

(b) Practicum

Field Engagement courses shall be designed to give opportunities to acquire a repertoire of professional skills and capacities in craft, fine arts, work and education, creative drama and theatre in education, self-development, children's physical and emotional health, school health and education.

(c) School Internship

The D.El.Ed. programme shall provide for sustained engagement with learners and the school, thereby creating a synergy with schools in the neighborhood throughout the two years. Students shall be equipped to cater to needs of diverse learners in schools. The programme shall include visits to innovative centres of pedagogy and learning, innovative schools, educational resource centres, teaching-learning centres. School Internship would include stipulations in the RTE on the duties of the teacher and community engagement. The School Internship programme shall have the following components:

A minimum of 20 weeks of internship in schoold during the course of which 4 weeks would be dedicated to classroom observation etc, during the first year; second year of school internship will be for minimum period of 16 weeks in the elementary classes including primary and upper primary

(d) The institution shall have easy access to sufficient number of recognized elementary schools for field work and practice teaching related activities of student teachers. It is desirable that it has an attached primary/elementary school of its own. The institution shall furnish undertaking from the schools willing to provide facilities for practice teaching.

5.0 Attendance:-

The minimum attendance of student teachers shall be 80% for all course work including practicum and 90% for school internship as per NCTE norms.

6.0 Medium of Institute

The medium of Instruction shall be English & Hindi both

7.0 Examination & Declaration of Result

As per decided by Academic Council of University

- There shall be no decision assigned to the Part –I (First Year) Examination
- Successfully candidates of D.El.Ed. Part –II (Second Year) shall be placed in the division in accordance with the following scale on the basis of aggregate marks obtained in all the subject in Part –I and Part-II taken togather:-
  - i. **50% or above but lessthan 60% marks = Second Division**
  - ii. **60% or above Marks = First Division**
  - iii. **Candidate who has scored 75% or more marks in the aggregate in both theory and practicals may be declared to have earned distinction**

8.0 Notwithstanding anything stated in this Ordinance, for any unforeseen issues arising, and not covered by this Ordinance, or in the event of differences of interpretation, the Vice-Chancellor may take a decision after obtaining; if necessary, the permission/approval of M.P. Private University Regulatory Commission. The decision of the Vice-Chancellor and M.P. Private University Regulatory Commission shall be final

Ordinance No. 54

Ordinance for Bachelor of Engineering (Part Time)

1.0 Four Years Bachelor of Engineering (Part Time) Programme

Hereafter referred as Bachelor of Engineering/ Technology (Part Time) of four-year (eight-semester) duration, herein after called 4-YDP(PT), shall be designated as Bachelor of Engineering (Part Time) in respective Branch.

1.1 This Bachelor of Engineering (Part Time) shall include the branches of Cement Technology, Computer Science and Engineering, Electronics & Telecommunication Engineering , Food Technology, Instrumentation Engineering , Information Technology, Metallurgy, Mining and Mine Surveying, Opto-Electronics, Production Engineering , Textile Design, Automobile Engineering, Chemical Engineering, Civil Engineering, Construction Technology and Management, Electrical Engineering, Electrical and Electronics Engineering ,Mechanical Engineering, Refinery and Petro Chemical, Plastic Technology, Printing Technology, Refrigeration and Air Conditioning Engineering, Textile Technology, Ophthalmic Technology, Electronics and Instrumentation, Film Technology and TV Production, Computer hardware and maintenance.

1.2 The studies and examinations of these Bachelor of Engineering (Part Time) programmes shall be on the basis of semester system for 4 academic years spread over eight semesters .

2.0 RULES FOR ADMISSIONS

2.1 Admission procedure as per ordinance No. 2 of RKDF University.

2.2 Minimum Qualification and conditions for admissions will be as per AICTE norms.

2.3 For admission to the first semester of the Bachelor of Engineering (Part Time) programme, the minimum qualification shall be the passing of Diploma examination in the relevant branch of engineering conducted by the Board of Technical Education,

M.P. or by any Board recognized as equivalent to the Diploma of the Board of Technical examination, M.P. State with not less than 50% marks in aggregate.

2.4 Have an experience of working in the relevant profession for a minimum period of one year after passing the qualifying examination. However, a candidate passing the Four Years Diploma Course in Engineering/ Technology with industrial training in Sandwich pattern shall be exempted from the requirement of working experience.

Provided further that for want of sufficient number of applicants with professional experience of one year after passing the qualifying examination, if any seats remain vacant, fresh diploma holders otherwise eligible may by admitted and vacancies can be filled in by abiding the relevant rules.

2.5 Relaxation in Qualifying marks shall be for SC/ST/OBC and candidates as pe rules of State Govt./ Central Govt. and regulatory bodies

3.0 Examination

3.1 There shall be Four years semester pattern examinations, held by the University leading to the degree of Bachelor of Engineering (Part Time) in respective branch of Engineering, in the Faculty of Engineering & Technology. All the examinations shall be on the semester pattern basis. There shall be one regular examination at the end of each semester conducted by this University, whereby, in each academic year, there shall be two "Semester Examinations". Thus, from First year B.E. and onwards up to fourth (final) year B.E., (Part-Time) there shall be Eight Semesters i.e. I, II, III,IV,V, VI, VII, and VIII, each followed by a University examination

3.2 Bachelor of Engineering (Part Time)of 4 years course shall be as per the schemes and syllabus approved by the Board of Studies of the University

3.3 The medium of Instruction & Examination shall be English and Hindi.

3.4 Examination Rules shall be as per ordinance No. 5 of RKDF University.

3.5 For a student, maximum duration completion of total course will be eight years.

4.0 RULES FOR ATTENDANCE

Minimum attendance required will be 75% in each semester for appearing in regular exam, provided that a short fall in attendance up to 10% and a further 5% can be condoned by the Principal of the college and Vice- Chancellor of the University respectively for satisfactory and Genuine reasons.

5.0 Fees

As decided by University & after the approval of M.P. Private University Regulatory Commission

6.0 MEDIUM OF INSTRUCTION

The medium of instruction and examination shall be English and Hindi.

7.0 Notwithstanding anything stated in this Ordinance, for any unforeseen issues arising, and not covered by this Ordinance, or in the event of differences of interpretation, the Vice-Chancellor may take a decision after obtaining; if necessary, the opinion / advise of a Committee constituted for the purpose. The decision of the Vice-Chancellor shall be final.

Ordinance No. 55

Ordinance for Bachelor in Social Work (BSW)

1.0 Preamble

This degree programme consists of theory and practice components, through a combination of lectures, field work and research project.

The BSW programme is designed to equip the students with sound theoretical and practical knowledge about social work, social welfare and development concerns of the poor, and enable the students to develop skills and insights into working with people at the individual, group and community levels.

2.0 Duration of Course

The Duration of Course shall be 3 Years spread in 6 Semester

3.0 Eligibility

The minimum qualification for admission to BSW programme is H.S. (10+2), from a recognized Board securing minimum 45% marks in agreegate Relaxation to SC, ST & OBC candidates as per Govt. rules . Preference shall be given to Govt. sponsored candidates

4.0 Intake

The intake shall be 60

5.0 Fees Structure

As decided by the University with the approval of M.P. Private University Regulatory Commission

6.0 Syllabus

The syllabus for Bachelor in Social work shall be as under:-

Syllabus of Bachelor in Social Work

Courses of 1st Semester

- English
- Introduction to social work and development of Leadership Quality
- Introduction to field work practices In social work including awareness about existing Law.

- Rural Development issues & problems
- Sociology for social workers including Elementary Knowledge documentation & its related knowledge
- Skill Development in Communication & Development skill of rural people

Course of IInd Semester

- Population Education
- Introduction to local self Government
- Indian Social problems and Community development
- Social case work study
- Field work

Course of IIIrd Semester

- Rural Technology
- Economy and co-operation of rural population
- Legislation in India
- Social group work and imparting elementary Education in Computer
- Introduction to social work research
- Panchayti Raj and rural development

Course if IVth Semester

- Introduction to tribal life in India with special reference of M.P. Tribal
- Social work with community
- Fields of social work
- Social reform movement in India and M.P. State in particular
- Nutrition & Health care basic needs with special attention in woman & child
- Field work

Course of Vth Semester

- English
- Child development protection & education
- Woman welfare, Development and empowerment
- Formation of NGO & its Management
- Social welfare Agencies and impact of Environmental Education in Soeienet

- Field work

Course of VIth Semester

- Social action – Method of social work
- Social policies in India
- Community health and personal hygiene
- Knowledge of Microfinance, Microcredits and how to develop an Industrialist
- Counseling in social work
- Field work
- Research dissertation
- Viva-Voce (Internal and External)

7.0 Promotion to Next Year & Failed Candidate

As per University Ordinance No. 5

8.0 Allocation of Division

As per Ordinance No. 5

9.0 Merit List

As per Ordinance No. 5

10.0 General

In matters of admission, attendance, examination and in all other matters not provided in this Ordinance, the course shall be governed by the provision of the relevant ordinance of the same in the University so far as they are not inconsistent with the provision of this ordinance.

11.0 Notwithstanding anything stated in this Ordinance, for any unforeseen issues arising, and not covered by this Ordinance, or in the event of differences of interpretation, the Vice-Chancellor may take a decision after obtaining, if necessary, the opinion / advice of a Committee consisting of any or all the Directors of the Schools. The decision of the Vice-Chancellor shall be final.

Established under M.P. Act No. 17 of 2007

ORDINANCE NO.56

BACHELOR OF SCIENCE IN NURSING

BASIC B. SC (NURSING) 4 YEARS DEGREE COURSE

AIMS & OBJECTIVES

1.1 AIMS

The aims of the undergraduate nursing program are to:

1.1.1 Prepare graduates to assume responsibilities as professional, competent nurses and midwives in providing promotive, preventive, curative, and rehabilitative services.

1.1.2 Prepare nurses, who can make independent decisions in nursing situations, protect the rights of and facilitate individuals and groups in pursuit of health, function in the hospital, community-nursing services, and conduct research studies in the areas of nursing practice. They are also expected to assume the role of teacher, supervisor, and manager in a clinical / public health setting.

1.2 OBJECTIVES

On completion of the four year B. Sc Nursing program the graduate will be able to:

1.2.1 Apply knowledge from physical, biological and behavioral sciences, medicine including alternative systems and nursing in providing nursing care to individuals, families and communities.

1.2.2 Demonstrate understanding of life style and other factors, which affect health of individuals and groups.

1.2.3 Provide nursing care based on steps of nursing process in collaboration with the individuals and groups.

1.2.4 Demonstrate critical thinking skill in making decisions in all situations in order to provide quality care.

1.2.5 Utilize the latest trends and technology in providing health care.

1.2.6 Provide promotive preventive and restorative health services in line with ihe national health policies and programmes.

1.2.7 Practice within the framework of code of ethics and professional conduct, and acceptable standards of practice within the legal boundaries.

1.2.8 Communicate effectively with individuals and groups, and members of the health team in order to promote effective interpersonal relationships and teamwork.

1.2.9 Demonstrate skills in teaching to individuals and groups in clinical/community health settings.

1.2.10 Participate effectively as members of the health team in health care delivery system.

1.2.11 Demonstrate leadership and managerial skills in clinical /community health settings.

1.2.12 Conduct need based research studies in various settings utilize the research findings to improve the quality of care.

1.2.13 Demonstrate awareness, interest, and contribute towards advancement of self and of the profession.

2.0 COURSE STRUCTURE

The degree in Nursing of four years course shall be' designated as Basic Bachelor of Science in nursing in short Basic B.Sc. (Nursing).

2.1 The duration of Basic B.Sc. (N) course shall extend over a period of four years consisting named below:

i. BasicB.Sc. (N) First Year

ii. Basic B.Sc. (N) Second Year

iii. Basic B.Sc. (N) Third year

iv. Basic B.Sc. (N) Fourth Year including internship.

3.0 ACADEMIC QUALIFICATION FOR ADMISSION

3.1 The minimum educational requirement shall be the passing of: Higher Secondary School Certificate Examination (10 + 2)

OR

Senior School Certificate Examination (10+2), Pre degree Examination (10+2)

OR

An equivalent with 12 years schooling from a recognized Board or University with Science (Physics, Chemistry, Biology) and English with minimum of 45% aggregate marks (PCBE).

4.0 CRITERIA FOR SELECTION

No. of Seats for Basic B.Sc. (Nursing) shall be such as approved by Nursing Counci of India

4.1 The candidate who fulfill the aforesaid academic qualification for admission

4.2 The minimum age shall be 17 years completed on or before Dec 31st of the year of admission.

4.3 The admission in Basic B.Sc. (N) 1st year shall be based on the merit in the common entrance test or qualifying examination.

4.4 Candidate shall be medically fit.

5.0 COURSE DURATION

5.1 The duration of Basic B.Sc. (Nursing) course shall be four years including internship.

5.2 The duration of each academic year of Basic B.Sc. (Nursing) I, II, III, IV years shall be not less than 10 month.

5.3 The maximum period to complete the course successfully should not exceed 8 years from the date of admission.

6.0 COURSE COMMENCEMENT

6.1 The commencement Basic B.Sc. (N) 1st year shall start during the period of July/August of every year.

6.2 Vacation shall be granted maximum eight weeks duration between 2 academic years.

6.3 The subject to be studied in different academic year of Basic B.Sc. (N) shall be as per scheme given as in subsequent sequence.

7.0 EXAMINATION

7.1 The medium of instruction and examination shall be English through out the course of the study.

7.2 SCHEME OF EXAMINATION

Basic B.Sc. (N) First Year

Subject			Assessment		
Paper No.	**Theory**	**Hours**	**Internal**	**External**	**Total**
1.	Anatomy & Physiology	**3**	**25**	**75**	100
2.	Nutrition & Biochemistry	**3**	**25**	**75**	100
3.	Nursing Foundations	**3**	**25**	**75**	100
4.	Psychology	**3**	**25**	**75**	100
5.	Microbiology	**3**	**25**	**75**	100
6.	English	**3**	**25**	**75**	100
7.	Introduction to Computers		**25**	**75**	100
Practical No.	**Practical and Viva Voce**				
1.	Nursing Foundations		100	100	200

Basic B.Sc. (N) Second Year

Subject		Assessment			
Paper No.	**Theory**	**Hours**	**Internal**	**External**	**Total**
8.	Sociology	**3**	**25**	**75**	100
9.	Medical Surgical Nursing (Adult including geriatrics)-I	**3**	**25**	**75**	100
10.	Pharmacology, Pathology & Genetics	**3**	**25**	**75**	100
11.	Community Health Nursing -I	**3**	**25**	**75**	100
12.	Communication and Educational Technology	**3**	**25**	**75**	100
Practical No.	**Practical and Viva Voce**				
2.	Medical -Surgical Nursing (Adult including geriatrics)-I		100	100	200

Basic B.Sc. (N) Third Year

Subject		Assessment			
Paper No.	**Theory**	**Hours**	**Internal**	**External**	**Total**
13.	Medical Surgical Nursing (Adult including geriatrics) -II	**3**	**25**	**75**	100
14.	Child Health Nursing	**3**	**25**	**75**	100
15.	Mental Health Nursing	**3**	**25**	**75**	100
Practical No.	**Practical and Viva Voce**				
3.	Medical -Surgical Nursing (Adult including geriatrics) - II		**50**	**50**	100
4.	Child Health Nursing		**50**	**50**	100
5.	Mental Health Nursing		**50**	**50**	100

Basic B.Sc. (N) Fourth Year

Subject		Assessment			
Paper No.	Theory	Hours	Internal	External	Total
16.	Midwifery and Obstetrical Nursing	3	25	75	100
17.	Community Health Nursing - II	3	25	75	100
18.	Nursing Research & Statistics	3	25	75	100
19.	Management and Nursing Services and Education	3	25	75	100
Practical No.	**Practical and Viva Voce**				
6.	Midwifery and Obstetrical Nursing		50	50	100
7.	Community Health Nursing		50	50	100

Note:- Research to be shifted to third year along with Practical Hrs. & Midwifery and OBG to be shifted to 4th year and 180 hrs of practical can be covered in internship

7.3 University Examination

7.3.1 There shall be one Annual University Examination at the end of each academic year.

7.3.2 There shall be provision for supplementary examination.

7.3.3 The University examination for theory subject shall be out of 75 marks.

7.3.4 The University Examination marks for Nursing Foundation (Practical & viva voce Paper I) & Medical Surgical Nursing - I (Practical and viva voce paper II) shall be out of 100 marks.

7.3.5 The University Examination marks for Medical Surgical Nursing - II (Practical and viva voce paper III), Child Health Nursing (Practical and viva voce paper IV), Mental Health Nursing (Practical and viva voce paper V), Midwifery and Obstetrical Nursing (Practical and viva voce paper VI) and Community Health Nursing (practical and viva voce paper VII) shall be out of 50 Marks.

7.3.6 Anatomy and physiology - Question paper will consist of Section A Anatomy of 37 marks and Section B Physiology should be of 38 marks.

7.3.7 Nutrition and Biochemistry - Question paper will consist of Section A Nutrition of 45 marks and Section B of Biochemistry of 30 marks.

7.3.8 Pharmacology, Pathology and Genetics : Section A of Pharmacology with 38 marks, Section B of Pathology of 25 and Genetics with 12 marks.

7.3.9 Nursing Research & Statistics-Nursing Research Should be of 50 marks and Statistics of 25 marks.

7.3.10 Minimum pass marks shall be 40 % for English only.

7.3.11 Theory and Practical exams for Introduction to Computer will be conducted as College exam and marks to be sent to University for inclusion in the marks sheet.

7.3.12 Maximum number of candidate for practical examination should not exceed 20 per day.

7.3.13 All practical examinations must be held in the respective clinical areas.

7.3.14 Fourth year final examination to be held only after completion of internship.

Internal Examination

7.4.1 The assessment of academic growth of the student shall be done on the basis of three term examination and one Pre University examination for theory and practical subjects.

7.4.2 The internal assessment marks for the theory subjects shall be out of 25 marks.

7.4.3 The internal assessment marks for the practical subjects shall be awarded on the basis of evaluation of performance of the student in the specific area / field.

7.4.4 The internal assessment marks for Nursing Foundation (Practical & viva voce Paper I) & Medical Surgical Nursing - I (Practical and viva voce paper II) shall be out of 100 marks.

7.4.5 The internal assessment marks for Medical Surgical Nursing(Adult including geriatrics) - II (Practical and viva voce paper III), Child Health Nursing (Practical and viva voce paper IV), Mental Health Nursing (Practical and viva voce paper V), Midwifery and Obstetrical Nursing (Practical and viva voce paper VI) and Community Health Nursing (practical and viva voce paper VII) shall be out of 50 Marks.

Supplementary Examination

7.5.1 There will be only one mid-session Supplementary Examination held by the University ordinarily held in the month of September / October. However those who fail in supplementary exam they will appear in main exam.

7.5.2 The first year students will have to clear all first year subjects in a maximum limit of 4 attempts, after which they will not be allowed to continue their Basic B.Sc. (N) Course if, candidate fails in 4th attempt of 1st year

7.5.3 Non appearance at an examination on grounds of sickness or otherwise, will be treated as one of the four attempts allowed for 1st year subjects.

7.5.4 If a first year candidate fails in mid session supplementary papers, candidates will be given an opportunity to appear in the main examination of IInd year provisionally along with the backlog of last year subjects.

7.5.5 If a candidate fails in backlog subjects of the 1st year, the result of IInd year examination for which candidate will be provisionally admitted will be treated as cancelled. The candidate will have to repeat her backlog subjects of 1st year in next mid session supplementary examination

7.5.6 A candidate, who appears in IInd year main examination and fails in any of the subjects will be permitted to appear in mid session supplementary examination and there after provisionally along with failed IInd year subject, but if any candidates fails in IInd year subject the candidates IIIrd year result will be automatically cancelled. The same ruling will apply for the IVth year students also.

7.5.7 Only failed subjects, will have to be repeated in mid session supplementary or Supplementary examination with the main annual examination.

7.5.8 The marks obtained by the candidate in the subjects passed in Supplementary Examination or additional attempts shall be taken into account as pass in the examination.

CRITERIA FOR PASSING

8.1 A Candidate has to pass in theory and practical exam separately in each of the paper.

8.2 A Candidate failing in more than two subjects will not be promoted to the next academic year.

8.3 Minimum pass marks shall be 50% in each of the theory and practical papers separately.

8.4 Minimum pass marks shall be 45% for Introduction to Computer.

8.5 If a candidate fails in either theory or practical paper he/she has to re-appear for both the papers (Theory and Practical).

8.6 Maximum number of attempts permitted for each paper shall be three including first attempt.

DIVISION & MERIT

9.1 Distinction- 75% and above in any subject (First attempt only).

9.2 First Division - 60% and above in the aggregate of marks of all main subjects.

9.3 Second Division - Less than 60% in the aggregate of marks in all main subject.

9.4 Pass Class - Shall be awarded to the candidate passing with supplementary or more than one attempt.

10.0 ATTENDANCE

10.1 A candidate must have minimum of 80% attendance (irrespective of the kind of absence) in theory in each subject for appearing for examination.

10.2 A candidate must have 100% attendance in each of the practical area before award of degree.

11.0 APPOINTMENT OF EXAMINERS / QUESTION PAPER SETTER

The appointment of examiner for the theory and practical examination shall be based on following rules

11.1 Question paper setter / moderator / head evaluator shall be Professor, Associate Professor or Lecturer with an experience of minimum 3 years teaching experience working in any nursing institute conducting nursing courses can be appointed.

11.2 Practical examiner

11.2.1 One internal and one external examiner should jointly conduct practical examination for each student.

11.2.2 An examiner should be a lecturer or above in a college of nursing with M. Sc (N) in concerned subject and minimum of 3 years of teaching experience. To be an examiner for Nursing Foundations course faculty having M. Sc (N) with any speciality shall be considered.

12.0 REVALUATION / RE-TOTALING

12.1 Revaluation and re-totaling of marks is permitted for theory papers only. The University, on receipt of application within the stipulated time and remittance of a prescribed fee, shall permit a recounting of marks and/or revaluation for the subject(s) applied.

12.2 The result after revaluation/re-totaling shall be declared as per prevailing revaluation/re-totaling rules and regulation of the RKDF University.

13.0 CANCELLATION OF ADMISSION

The admission of a student at any stage of study shall be cancelled by the Vice Chancellor based on recommendation of Head of Institution, if;

13.1 Candidate is not found qualified as per INC/State Government norms and guidelines or the eligibility criteria prescribed by the University.

OR

13.2 Candidate is not able to complete the course within the stipulated time as prescribed in E&S

OR

13.3 Candidate is found involved in serious breach of discipline in the Institution or in the University campus.

14.0 SCHEME OF STUDIES

The subject to study in different academic year of Basic B.Sc. (N) shall be as per the scheme given in subsequent sections.

14.1 Annual schedule of studies

	Weeks available per year	= 52 weeks
i.	Vacation	= 8 weeks
ii.	Gazetted holidays	= 3 weeks
v.	Examination (Including preparatory)	= 4 weeks
v.	Available weeks	= 37 weeks
vi.	Hours per week	= 40 Hours
vii.	Practical	= 30 hours perwk (5x6 = 30)
viii.	Theory	= 10 hours perwk (2x5=10)
ix.	Internship	= 48 hours per wk (8x6 = 48)
x.	**Hours available per academic year**	**= 1480 (37 wk x 40 hours) 14.2**

Distribution of Hours FIRST YEAR

Subject	Theory (in hrs.) (Class and lab)	Practical (in hrs.) (Clinical)	(In hrs)
1. English	60		
2. Anatomy	60		
3. Physiology	60		
4. Nutrition	60		
5. Biochemistry	30		
6. Nursing Foundations	265+200	450	
7. Psychology	60		
8. Microbiology	60		
9. Introduction to Computer	45		
10. **Hindi / regional language	30		
11. Library work / Self Study			50
.12. Co-curricular Activities			50
Total Hours	**930**	**450**	**100**
Total hours =1480 Hrs.			

(** Optional)

SECOND YEAR

Subject	Theory (in hrs.) (Class and lab)	Practical (in hrs.) (Clinical)	(In hrs)
1. Sociology	60		
2. Pharmacology	45		
3. Pathology	30		
4. Genetics	15		
5. Medical Surgical Nursing (Adult	210	720	
6. Community Health Nursing -I	90	135	
7. Communication and Educational	60+30		
8. Library work/ self Study			50
9. Co-curricular activities			35
- Total Hours	540	855	85
Total hours =1480 hrs.			

THIRD YEAR

Subject	Theory (in hrs.)	Practical (in hrs.) (Clinical)	(In hrs)
1. Medical - Surgical Nursing (Adult)	120	270	
2. Child Health Nursing	90	270	
3. Mental Health Nursing	90	270	
4. Midwifery and Obstetrical Nursing	90	180	
5. Library work/ self Study			50
6. Co-curricular activities			50
Total Hours	390	990	100
Total hours =1480 hrs.			

FOURTH YEAR

Subject	Theory (in hrs.) (Class and lab)	Practical (in hrs.) (Clinical)	(In hrs)
1. Midwifery and Obstetrical Nursing	-	180	
2. Community Health Nursing -II	90	135	
3. Nursing Research & Statistics	45	-	
4. Management of Nursing Services	60+30	-	
Total Hours	225	315	
Total hours =540 hrs.			

Note:- Project work to be carried out during internship.

INTERNSHIP (INTEGRATED PRACTICE)

Subject	Theory	Practical (In hrs.)	In weeks
1. Midwifery and Obstetrical Nursing		240	5
2. Community Health Nursing -II		195	4
3. Medical Surgical Nursing (Adult and Geriatric)		430	9
4. Child Health Nursing		145	3
.5. Mental Health Nursing		95	2
6. Research Project		45	1
Total Hours		1150	24
Total hours =1690 hrs.			

Note:

1. Internship means 8 hours of integrated clinical duties in which 2 weeks of evening and night shift duties are included.
2. Internship should be carried out as 8 hours per day @ 48 hours per week.

Students during internship will be supervised by nursing teacher

Established under M.P. Act No. 17 of 2007

Ordinance No. 57

BACHELOR OF DENTAL SURGERY (B.D.S.)

AIMS

1.1 The dental graduates during training in the institutions should acquire adequate knowledge, necessary skills and such attitudes which are required for carrying out all the activities appropriate to general dental practice involving the prevention, diagnosis and treatment of anomalies and diseases of the teeth, mouth, jaws and associated tissues.

1.1.2 The graduate should also understand the concept of community oral heath education and be able to participate in the rural health care delivery programmes existing in the country.

1.2. GOALS OF EDUCATION AND TRAINING:

The Dental curriculum shall be oriented towards educating students of B.D.S. Course to:

1.2.1. Take up the responsibilities of dental surgeon of first contact and be capable of functioning independently in both urban and rural environment.

1.2.2. Provide educational experience that allows hands-on-experience both in hospital as well as in community setting.

1.2.3. Make maximum efforts to encourage integrated teaching and de-emphasize compartmentalisation of disciplines so as to achieve horizontal and vertical integration in different phases.

1.2.4. Offer educational experience that emphasizes health rather than only disease. Teach common problems of health and disease and to the national programmes.

1.2.5. Use learner oriented methods, which would encourage clarity of expression, independence of judgement, scientific habits, problem solving abilities, self initiated and self-directed learning.

1.2.6 Use of active methods of learning such as group discussions, seminars, role play, field visits, demonstrations, peer interactions etc., which would enable students to develop personality, communication skills and other qualities which are necessary may be done.

1.2.7 Regular periodic assessment be done throughout the course. Examinations be designed with a view to assess not merely the "knowleage" but also practical and clinical skills, habits and values which are necessary for a graduate to carry out professional day to day work competently.

1.2.8. Establish a Dental Education Unit for faculty development, preparation of learning resource materials and for improving evaluation methods.

OBJECTIVES:

2.1 The objectives are dealt under three headings namely (a) knowledge and understanding (b) skills and (c) attitudes.

2.1.1 Knowledge and understanding: The graduate shall acquire the following during the period of training.

2A.2 Adequate knowledge of the scientific foundations on which dentistry is based and good understanding of various relevant scientific methods, principles of biological functions and shall be able to evaluate and analyse scientifically various established facts and data.

2.1.3 Adequate knowledge of the development, structure and function of the teeth, mouth and jaws and associated tissues both in health and disease and their relationship and effect on general-state of health and also the bearing on physical and social well-being of the patient.

2.1.4 Adequate knowledge of clinical disciplines and methods, which provide a coherent picture of anomalies, lesions and diseases of the teeth, mouth and jaws and preventive, diagnostic and therapeutic aspects of dentistry. Adequate clinical experience required for general dental practice.

2.1.5 Adequate knowledge of biological function and behaviour of persons in health and sickness as well as the influence of the natural and social environment on the state of health so far as it affects dentistry.

2.2 SKILLS :

2.2.1 A graduate shall be able to demonstrate the following skills necessary for practice of dentistry.

2.2.2 Able to diagnose and manage various common dental problems encountered in general dental practice, keeping in mind the expectations and the right of the society to receive the best possible treatment available wherever possible.

2.2.3 Acquire skill to prevent and manage complications if encountered while carrying out various dental surgical and other procedures.

2.2.4 Possess skill to carry out required investigative procedures and ability to interpret laboratory findings.

2.2.5 Promote oral health and help to prevent oral diseases wherever possible. '

2.2.6 Competent in control of pain and anxiety during dental treatment.

2.3 **ATTITUDES:**

2.3.1 A graduate shall develop during the training period the following attitudes. Willing to apply current knowledge of dentistry in the best interest of the patients and the community.

2.3.2 Maintain a high standard of professional ethics and conduct and apply these in all aspects of professional life.

2.3.3 Seek to improve awareness and provide possible solutions for oral health problems and needs throughout the community.

2.3.4 Willingness to participate in the continuing education programmes to update knowledge and professional skills from time to time.

2.3.5. To help and to participate in the implementation of national health programmes.

COURSE STRUCTURE:

3.1 INFRASTUCTURE:

The Infrastructure like staff, equipment, Instruments, Material, Books and Journals, space and clinical material shall be as per the stipulations of Dental Council of India from time to time.

3.2. **AGE :**

He/She shall complete the age of 17 years on or before 31st December, of the year of admission to the BDS course;

3.3. ACADEMIC QUALIFICATION FOR ADMISSION :

3.3.1. He/She shall have passed qualifying examination as under :-

3.3.1.1 The higher secondary examination or the Indian School Certificate Examination which is equivalent to 10 + 2 Higher Secondary Examination after a period of 12 years study, the last, two years of study comprising of Physics, Chemistry, Biology and Mathematics or any other elective subjects with English at a level not less than the core course for English as prescribed by the National Council of Educational Research and Training after the introduction of the 10+2+3 years educational . structure as recommended by the National Committee on education;

Note: Where the course content is not as prescribed or 10+2 education structure of the National Committee, the candidates will have to undergo a "period of one year pre-professional training before admission to the dental colleges;

Or

3.3.1.2 The intermediate examination in science of an Indian University/ Board or other recognized examining body with Physics, Chemistry and Biology which shall include a practical test in these subjects and also English as a compulsory subjects.

Or

3.3.1.3 The pre-professional/ Pre-medical examination with Physics, Chemistry and Biology, after passing either the higher secondary school examination, or the pre-university or an equivalent examination. The pre-professional/ Pre-medical examination shall include a practical test in physics, Chemistry and Biology and also English as compulsory subjects;

Or

3.3.1.4 The first year of three year degree course of a recognized university, with physics, Chemistry and Biology including a practical test in three subjects provided the examination is a "University Examination" and candidate has passed 10+2 with English at a level not less than a core courses.

Or

3.3.1.5 B.Sc examination of an Indian University, provided that he/she has passed the B.Sc examination with not less than two of the following subjects Physics, Chemistry, Biology (Botany, Zoology) and further that he/she has passed the earlier qualifying examination with the following subjects-Physics, Chemistry, Biology and English.

Or

3.3.1.6 Any other examination which, in scope and standard is found to be equivalent to the intermediate sciences examination of an Indian University/ Board, taking Physics, Chemistry and Biology including practical test in each of these subjects and English.

ELIGIBILITY :

3.4.1 The candidate must have passed in the subject of Physics, Chemistry, Biology and English individually and must have obtained a minimum of 50% marks taken together in Physics, Chemistry & Biology at the qualifying examination and in addition must have come in the merit list prepared as a result of such competitive entrance examination,

by securing not less than 50% marks in Physics, Chemistry & Biology taken together in the competitive examination, In respect of candidates belonging to scheduled castes, scheduled tribes of any other categories notified by the Government the marks obtained in Physics, Chemistry & Biology taken together in qualifying examination and competitive entrance examination be 40% instead of 50% as stated above.

3.4.2 Provided that a candidate who has appeared in the qualifying examination the result of which has not been declared, he may be provisionally permitted to take up the competitive entrance examination and in case of selection for admission to the BDS course, he shall not be admitted to that course until he fulfills the ability criteria as per above regulations.

3.4.3 Marks obtained in Mathematics are not to be considered of admission to BDS course.

4.0 CRITERIA FOR SELECTION ;

No. of Seats in BDS Course shall be such as approved by Govt. of India

4.1 The admission procedure as prescribed by Medical Education department, Government of M.P. and other Regulatory State & Central bodies for professional Course will be followed. Students for Bachelor of Dental Surgery (BDS) course shall be selected strictly on the basis of their academic MERIT as decided by Govt. of M.P. and related Regulatory body.

In case the merit list of competitive entrance examination is exhausted and seats are still available, the remaining vacant seats are shall be filled up on the basis of National/ State level/College level test as decided by the Regulatory.

CANCELLATION OF ADMISSION & DISCHARGE FROM THE COURSE:

Admission shall be cancelled and discharged from the course on the written orders of the Vice Chancellor if:

5.1 Any student who does not clear the first BDS University Examination in all subjects within 3 years from the date of admission.

5.2 Any students who was found to have obtained admission in fraudulent manner, if the documents furnished for gaining admission by any student are found to be forged/ false/ doctored at any stage of study.

5.3 If any student is found to be involved in serious breach of discipline.

MIGRATION:

6.1 Migration of the candidate from one Institute to other is not a RIGHT.

6.2 However Migration of student of BDS course under RKDF University to any other Recognised Institute in India or Students from any other Recognised Institute in India to RKDF University shall be governed by the Migration rules as laid down by Dental Council of India from time to time.

DURATION OF THE COURSE:

7.1 The undergraduate dental training programme leading to BDS degree shall be of 4 academic years with 240 teaching days in each academic year and 12 months of compulsory paid rotatory Internship training.

7.1.1 Candidate shall be permitted to undergo Twelve months of compulsory paid rotatory Intership training only after passing of all the subjects in final BDS course and it shall be done in a recognized Dental College/Institution as per the prescribed rules and regulations as laid down by the University from time to time.

7.2 During this period, the student shall be required to have engaged in full time study.

Subjects of Study:

7.3 First Year

7.3.1 General Human Anatomy including Embryology and Histology.

7.3.2 General Human physiology and Biochemistry, Nutrition and Dietics.

7.3.3 Dental Anatomy, Embryology and Oral Histology

7.3.4 Dental materials

7.3.5 Pre-Clinical prosthodontic and Crown and Bridge

7.4 Second Year

7.4.1 General Pathology and Microbiology

7.4.2 General and Dental Pharmacology and Therapeutics

7.4.3 Dental Materials

7.4.4 Pre clinical Conservative Dentistry

7.4.5 Pre clinical Prosthodontics and Crown & Bridge

7.4.6 Oral Pathology & Oral Microbiology

7.5 Third Year

7.5.1 General Medicine

7.5.2 General Surgery

7.5.3 Oral Pathology and Oral Microbiology

7.5.4 Conservative Dentistry and Endodontics

7.5.5 Oral & Maxillofacial Surgery

7.5.6 Oral Medicine and Radiology

7.5.7 Orthodontics & Dentofacial Orthopedics

7.5.8 Pediatric & Preventive Dentistry

7.5.9 Periodontology

7.5.10 Prosthodontics and Crown & Bridge

7.5.11 Public Health Dentistry

7.6 Fourth Year

7.6.1 Part-I First six months

7.6.1.1 Orthodontics & Dentofacial orthopedics

7.6.1.2 Oral Medicine & Radiology

7.6.1.3 Paediatric & Preventive Dentistry

7.6.1.4 Periodontology

7.6.1.5 Oral & Maxillofacial Surgery

7.6.1.6 Prosthodontics and Crown & Bridge

7.6.1.7 Conservative Dentistry and Endodontics

7.6.1.8 Public Health Dentistry

7.6.2 Part-II second six months

7.6.2.1 Oral & Maxillofacial Surgery

7.6.2.2 Prosthodontics and Crown & Bridge

7.6.2.3 Conservative Dentistry and Endodontics

7.6.2.4 Paediatric & Preventive Dentistry

COURSE COMMENCEMENT:

8.1 The B.D.S. course shall commence with effect from 1st August of respective year or as per prevailing rules.

8.2 The last date up to which students can be admitted against vacancies arising due to any reason shall be 30th September of respective year or as per prevailing rules.

EXAMINATIONS:

9.1 Evaluation is a continuous process, which is based upon criteria developed by the concerned authorities with certain objectives to assess the performance of the learner. This also indirectly helps in the measurement of effectiveness and quality of the concerned B.D.S. programme.

9.2 Evaluation is achieved by two processes.

9.3 Formative or internal assessment: Formative evaluation is done through a series of tests and examinations conducted periodically by the institution.

9.4 Summative or university examinations: Summative evaluation is done by the university through examination conducted at the end of the specified course.

10.0 METHODS OF EVALUATION:

Evaluation may be achieved by the following tested methods:

10.1 Written test

10.2 Practicals/ Clinical examination

10.3 Viva voce

11.0 INTERNAL ASSESSMENT EXAMINATION:

11.1 Minimum of 3 periodical internal assessment examination shall be conducted in each subject. If the teaching of subject is spread over in two years, at least one examination shall be conducted in first year of teaching.

11.2 Average marks of three examinations shall be computed for the University examinations.

11.3 The Internal assessment examinations shall be conducted in proper manner on the dates announced in the examination schedule prepared at Institution level.

11.4 Repeater students shall appear again in at least one internal examination held during six months. Higher of either new marks or old marks may be considered for University examinations

12.0 CRITERIA FOR A PASS:

12.1 To pass the examination in a subject a candidate shall secure a minimum of 50 % of the total marks in any subject computed as aggregate for (A) theory, i.e., written, viva voce and internal assessment and (B) Practicals / Clinicals including internal assessment, separately and 50 % in aggregate marks of A & B combined mentioned above.

12.2 In case of pre clinical Prosthetic Dentistry and Pre clinical conservative dentistry in II year BDS, where there is no written examination, minimum for pass is 50% of marks in Aggregate of Practical and Viva voce in University examination and Internal Assessment examination i.e. 50/100 marks.

12.3 CLASS DECLARATION IN THE RESULTS :

12.3.1 Class declaration is applicable to the candidates who are appearing for a whole (all the subjects) examination together in one and first attempt only.

12.3.1.1 Second Class: Total Aggregate marks above 50% and below 65% /

12.3.1.2 First class: Total Aggregate marks 65% and above and below 75%.

12.3.1.3 Distinction class: Total Aggregate marks 75 % and above.

12.3.2 Candidates as defined in (12.3.1) and who have passed the examination in any class and have secured marks of 75% & above in aggregate of individual subject/ subjects shall also be declared to have passed individual subject / subjects in DISTINCTION CLASS in the respective subject/subjects.

12.3.3 Candidates, appearing all the papers together or individual subjects in second and subsequent attempts shall be declared to have passed the examination in Pass class. There shall be no provision for declaration of Second, First and Distinction class) if even they secure requisite marks.

12.3.4 Grace Marks: Grace marks upto a maximum of 5 marks may be awarded to students who have failed only in one subject but passed in all other subjects. However the total marks obtained without grace marks shall not be altered.

12.4 MERIT LIST IN THE UNIVERSITY:

12.4.1 University shall declare the list of students in Merit of maximum of 5% of regular candidates appearing in the examinations, among Constituent Institution/ Institutions

12.4.2 In each professional examination of regular batch.

12.4.3 Overall Merit in the University based on aggregate of marks of all the professional examinations together.

12.4.4 Student passing the examination with grace marks shall not be considered for award of merit.

13.0 RE-TOTALING & RE-VALUATION:

13.1 Re-evaluation: The objective of re-evaluation is to ensure that the student receives a fair evaluation in the university examination and to minimize human error and extenuaiing circumstances. There shall be two mechanisms as prescribed by the RKDF University from time to time.

13.2 The facility of retotaling and revaluation shall be permissible only for written theory papers and not for Practical/ Clinical examinations.

13.3 The University on application and remittance of a stipulated fee as prescribed by the university, shall accord opportunity to recount the marks received for various questions in an answer paper/ papers for

theory of all subjects for which the candidate has applied for recounting. Error, if any in totalling of the marks shall be suitably rectified and results modified if necessary.

13.4 Re-valuation of theory papers in all years of study of the BDS course shall be permissible by the university on application and remittance of a prescribed fee. Such answer script shall be re-valuated by not less than two duly qualified examiners and the average of marks obtained in revaluation shall be awarded to the candidate and the result accordingly reconsidered.

14.0 ATTENDANCE REQUIREMENT, PROGRESS AND CONDUCT:

14.1 Minimum of 75% in theory and 75% attendance in practical /Clinical separately in each subject.

14.2 In case of a subject in which there is no examination at the end of the academic year/semester, the percentage of attendance shall not be less than 70%. However, at the time of appearing for the professional examination in the subject, the aggregate percentage of attendance in the subject should satisfy condition (14.1) above.

14.3 Failed/Detained students who are repeating the study shall in the same class, a minimum of 6% attendance in Theory and Practicals/Clinics separately.

14.4 The HOD shall certify the progress and conduct of the candidates based on the periodical assessment and monitoring.

APPOINTMENT OF EXAMINERS :

15.0 EXAMINERS FOR THE UNIVERSITY EXAMINATIONS:

Qualification and experience to be eligible for examinership for BDS examination.

15.1 There shall be two examiners. One internal from within the University and one external from outside the university.

15.2 Both the examiners shall be appointed by the University.

15.3 Shall possess M.D.S/MD/MS/Ph.D., Degree in the concerned specialty from a recognized Institution.

15.4 Shall posses a minimum of 4 years teaching experience in the specialty after PG qualification in the specialty in a Dental College / Medical College approved / recognized by theDCI/MCI.

15.5 In the Medical subjects, examiners shall be preferably from among the teachers teaching respective Medical subject/ subjects in any Dental College approved / recognized by the DCI.

15.6 Should be holding the post of a Reader or above in a Dental / Medical Institution approved / recognized by the DCI / MCI.

15.7 In case of Physiology and Biochemistry if Internal examiner is from Physiology, External examiner should be from Biochemistry or vice versa.

15.8 incase of Pathology and Microbiology if Internal examiner is from Pathology, External examiner should be from Microbiology or vice versa.

15.9 In case of Dental Materials, if internal is from Prosthodontics, external should be from Conservative Dentistry and vice versa.

15.10 Reciprocal arrangement of Examiners should be discouraged, in that, the Internal Examiner in a subject should not accept external examinership for a College from which External Examiner is appointed in his subject for the corresponding period.

15.11. No person shall be an Examiner to the same subject / Institution for more than 3 consecutive years. However, if there is a break of one year the person can be re-appointed. This provision may be relaxed with prior approval of Vice Chancellor.

SCHEME OF EXAMINATIONS :

SCHEME OF UNIVERSITY EXAMINATIONS:

16.1 The scheme of examination for B.D.S. Course shall be divided into 1st. B.D.S. professional examination at the end of the first academic year, 2nd B.D.S. professional examination at the end of second year, 3rd B.D.S. professional examination at the end of third, 4th BDS (Part -I) professional examination at the end of first term in final year and 4th B.D.S (Part-II) professional examination at the end of 4th year.

16.2 There shall be two examinations in each academic year (Regular & Supplementary)

16.3 The examination shall be open to a candidate who satisfies the requirements of attendance, progress and other rules as laid down by the University.

16.4 Any candidate who fails in one subject in an examination from 1st to 3rd BDS is permitted to go to the next higher class and appear for the subject in supplementary or subsequent examinations and complete it successfully before he is permitted to appear for the next higher examination.

16.4.1 The candidates failing in 2 or more subjects or not permitted to appear for any reason, shall repeat the study in the failed subjects.

16.4.2 Any candidate failing in any subject/subjects in part-I of final BDS shall be permitted to go to part-II and appear in Part-I and Part-II subjects together.

SUBJECTS IN EACH PROFESSIONAL EXAMINATION:

16.5 I Year B.D.S.

16.5.1 General Anatomy including embryology and histology

16.5.2 General human physiology and biochemistry

16.5.3 Dental Anatomy, Embryology and Oral Histology

16.6 II Year B.D.S. Examination:

A candidate who has not successfully completed the 1st B.D.S. examination cannot appear in the 2nd year B.D.S Examination.

16.6.1 General pathology and Microbiology

16.6.2 General and Dental pharmacology and therapeutics

16.6.3 Dental Materials

16.6.4 Pre-Clinical Conservative - Only Practical and Viva Voce

16.6.5 Pre-Clinical Prosthodontics - Only Practical and Viva Voce

16.7 III Year B.D.S. Examination:

A candidate who has not successfully completed the 2nd B.D.S. examination cannot appear the 3rd year B.D.S. Examination.

16.7.1 General Medicine

16.7.2 General Surgery

16.7.3 Oral Pathology-and Oral Microbiology

16.8 IV Year B.D.S. (Part-I)Examination at the end first term of final year:

A candidate who has not successfully completed the 3rd B.D.S. examination cannot appearing the 4th year (Part-I) Examination.

16.8.1 Oral Medicine and radiology

16.8.2 Public Health Dentistry

16.8.3 Orthodontics & dentofacial orthopaedics

16.8.4 Periodontology

16.9 IV Year BDS Part-II Examination at the end of final year:

16.9.1 Prosthodontics and Crown & Bridge

16.9.2 Conservative Dentistry and Endodontics

16.9.3 Oral and Maxillofacial Surgery

16.9.4 Paediatric & Preventive Dentistry

17.0 SCHEME OF WRITTEN EXAMINATION:

17.1 The written examination in each subject shall consist of one paper of three hours duration and shall have maximum marks of 70. The paper shall contain Section A & B with 30 marks each and Section C with 10 marks.

17.2 In all the subjects Section C shall contain 20 Objective type questions carrying 1% mark each. Section C shall be printed as a separate paper and shall be supplied to students after 30 minutes of commencement time of theory examination. The students shall answer Section C immediately and the papers shall be collected back after 20 minutes.

17.3 In the subjects of Physiology & Biochemistry and Pathology & Microbiology each paper will be divided into two parts with Physiology in part A and Biochemistry in part B, similarly Pathology in part A and Microbiology in part B with 30 marks each. Section C1 and C2 shall contain 10 Objective type questions from respective subjects.

17.4 The nature of questions set, will be aimed to evaluate students of different standards ranging from average to excellent,

17.5 The questions should cover as broad an area of the content of the course. The essay questions should be properly structured and the marks specifically allotted.

18.0 SCHEME OF PRACTICAL / CLINICAL EXAMINATION:

Objective Structured Clinical Evaluation:

18.1 The clinical and practical examination should provide a number of chances for the candidate to express one's skills. A number of examination stations with specific instructions to be provided. This can include clinical procedures, laboratory experiments, spotters etc. Evaluation must be made objective and structured. The method of objective structured clinical examinations should be followed. This will avoid examiner bias because both the examiner and the examinee are given specific instructions on what is to be observed at each station.

18.2 Record & Log Books:

The candidate should be given credit for his/her records based on the scores obtained in the record. The marks shall form part of practical/clinical examination.

19.0 VIVA VOCE:

Viva voce is an excellent mode of assessment because it permits a fairly broad coverage and it can assess the problem solving capacity of the student. An assessment related to the affective domain is also possible through viva voce. It is desirable to conduct the viva voce independently by each examiner. In order to avoid vagueness and to maintain uniformity of standard and coverage, questions can be pre-formulated before administering them to each student. Twenty marks are exclusively allotted for viva voce and that can be divided equally amongst the examiners, i.e., 10 marks per examiner.

20.0 MARKS DISTRIBUTION IN EACH SUBJECT:

20.1 Each subject except pre-clicnical Prosthodontics and pre-clinical Conservative dentistry in 2nd BDS, shall have a maximum of 200 marks as under:

20.2 THEORY 100

20.2.1	University written exam	70
20.2.2	Viva Voce	20
20.2.3	Internal assessment	10
	Total	**100**

20.3 PRACTICAL/ CLINICAL 100

20.3.1 University Exam	90
20.3.2 Internal assessment	10
Total	**100**

20.4 ONLY PRACTICAL AND VIVA VOCE IN UNIVERSITY EXAMINATIONS

20.4.1	Pre-clinical Prosthodontics in 2nd BDS	
20.4.2	Pre-clinical Conservative Dentistry in 2nd BDS	
20.4.2.1	Internal Assessment -	20
20.4.2.2	Practical -	60
20.4.2.3	Viva Voce -	20

21.0 SCHEME OF WRITTEN PAPERS AND PRACTICAL / CLINICAL EXAMINATIONS IN VARIOUS SUBJECTS:

21.1 THEORY 100

21.1.1 University Written 70 Mark

21.1.1.1	Section-A..... ..... ,.....	30
	2 long questions of 9 Marks each	18
	3 Short Notes of 4 marks each	12
21.1.1.2	Section-A..... .	30
	2 long questions of 9 Marks each	18
	3 Short Notes of 4 marks each	12
21.1.1.3	Section- C- 10 Objective type questions.....	10

Note. I year BDS- Section A -Physiology and Section B-Biochemistry
I year BDS- Section C1 -Physiology and Section C2-Biochemistry
II year BDS- Section A -Pathology and Section B- Microbiology '
II year BDS- Section C1 -Pathology and Section C2- Microbiology

21.1.2 VIVA..... .... ,, ... 20

21.1.3 Internal Assessment Examination 10 Total 100

21.2. PRACTICALS / CLINICALS EXAMINATION

21.2.1 University examination.....	90
21.2.2 Internal Assessment Examination	10
Total	**100**

ASSIGNMENTS AND DISTRIBUTION OF MARKS IN PRACTICAL / CLINICAL EXAMINATIONS IN VARIOUS SUBJECTS

22.1. HUMAN ANATOMY, EMBRYOLOGY, HISTOLOGY & MEDICAL GENETICS

22.1.1 Record / Journal Book 10 Marks

22.1.2 Practicals

22.1.2.1 Gross Anatomy

22.12.1.1 Spotters carrying 2 marks each
2 x 1 0 = 20 marks

22,1.2.12 Discussion on ONE given dissected specimen = 20 marks

22.12.13 Surface Anatomyl0x1 = 10 marks

22.1.2.2 Histology
Drawing, labeling, Identification of 10 Slides of 4 mark each = 40 marks

22.2 GENERAL HUMAN PHYSIOLOGY

22.2.1 Record/Journal Book..... ...5 Marks

22.2.2 Practicals 40 Marks

22.2.2.1 Major Experiments. ..... 30 Marks

Any one of the Major Experiments
R.B.C. Count, W.B.C. Count.
Differential Count, Blood Pressure
Recording

22.2.2.2 Minor Experiments..... 10 Marks
Any one of the minor Experiments
Determination of Blood Groups
Determination of Bleeding & Clotting time
Haemoglobin Estimation

22.3 BIOCHEMISTRY

22.3.1 Record/ Journal Book.....5 Marks

22.3.2 Practicals ■ 40 Marks

22.3.2.1 One procedure for quantitative estimation = 20 marks

22.3.2.2 One procedure for qualitative analysis = 20 marks

22.4 DENTAL ANATOMY, EMBRYOLOGY AND ORAL HISTOLOGY

22.4.1 Record/Journal Book ..... 10 Marks

22.4.2 Practicals 80 Marks

22.4.2.1 Carving and polishing of a tooth 30 marks

22.4.2.2 Drawing, labeling, Identification of 10 Slides 30 marks of 3 mark each

22.4.2.3 Spotters (Teeth, Models) 10X2 20 Marks

22.5 GENERAL PATHOLOGY

22.5.1 Record/Journal Book ..... 5 Marks

22.5.2 Practicals ..... 40 Marks

22.5.2.1 Identification and description of

22.5.2.1.1 Haematology slides - 2- (3 marks each)

22.5.2.1.2 Histopathology slides-3- (3 marks each)

22.5.2.1.3 Specimens- 2 - (3 marks each)

22.5.2.1.4 Instruments - 3-(3 marks each)= 30 Marks

22.5.2.1.5 22.5.2.2 Any one given below 10 Marks

22.5.2.2.1 To do differential count on the given peripheral blood smear

22.5.2.2.2 To estimate haemoglobin percentage in the given sample of blood

22.5.2.2.3 To determine blood groups (ABO and Rh) in the given sample of blood

22.6 MICROBIOLOGY

22.6.1 Record/Journal Book.....5 Marks

22.6.2 Practicals .....40 Marks

22.6.2.1 Spotters 10X3 Marks each 30 Marks

22.6.2.2 Slides 10

22.6.2.3 Media 3

22.6.2.4 Instruments 2

22.6.2.5 Staining- Gram's or Zeil-Nelson's 10 Marks

22.7 GENERAL AND DENTAL PHARMACOLOGY AND THERAPEUTICS

22.7.1 Record/Journal Book..... 10 Marks

22.7.4 Practicals .....80 Marks

22.7.4.1 Spotters 10nos. x3 = 30 marks

22.7.4.2 Prescriptions 2 nos. (15+15 marks) = 30 marks (one medical plus one dental prescription)

22.7.4.3 Preparations - 1 20 marks

22.8 DENTAL MATERIALS

22.8.1 Record/Journal Book..... , ...10 Marks

22.8.2 Practical 80 Marks

22.8.2.1 10 Spotters: Identify and write the composition and two important uses- 2 marks each 20 Marks

22.8.2.2 Exercise No. 1 - 30 Marks

Any one exercise of the following:

- Manipulation of impression compound and Preparation of a plaster cast of U or L arch.
- Manipulation of alginate impression material and preparation of plaster cast of U or L arch.
- Manipulation of Zinc Oxide Eugenol , impression paste, and preparation of cast of U or Larch.
- Manipulation of Rubber Base impression material and preparation of Stone cast

22.8.2.3 Exercise No. 2 - 30 marks

Manipulation of any one of the following.

ZOE (Luting and Filling consistency)

Zinc Phosphate Cement (Luting and Base consistency)

. Silicate Cement (Filing consistency)

Glass Ionomer Cement Type I/II (Luting/Filling consistency)

Polycarboxylate Cement (Luting consistency).

Silver amalgam Trituration

22.9 PRE CLINICAL PROSTHODONTICS - ONLY PRACTICAL AND VIVA VOCE

22.9.1 Record/Journal Book..... 10 Marks

22.9.2 Practicals 50 Marks

i. Arrangement of teeth in class I relation, Waxing, Carving, Polishing

22.10 PRECLINICAL CONSERVATIVE DENTISTRY - ONLY PRACTICAL AND VIVA VOCE

22.10.1 Record/Journal Book ..... 10 Marks

22.10.2 Practicals 50 Marks

22.10.2.1 Preparation of Class II Conventional Cavity for Silver Amalgam in Maxillary or Mandibular I or II Molar tooth (Typhodont/Natural Tooth),Filling, & carving -40 Marks

22.10.2.2 Spotters Material & Instruments 5X2 10 Marks

22.11 GENERAL MEDICINE

22.11.1 Record/Journal Book..... - ..... 10 Marks

22.11.2 Clinicals (Case presentation & Discussion) 80 Marks

22.11.2.1 Case Presentation 40 marks
(Case History, Clinical examination, Provisional Diagnosis / DD, Investigations & Management)

22.11.2.2 Radiographic interpretations 30 marks

22.11.2.3 Instruments 10 marks

22.12 GENERAL SURGERY

22.12.1 Record/Journal Book.....10Marks

22.12.2 Clinicals (Case presentation & Discussion) 80 Marks

22.12.2.1 Case Presentation 40 Marks
(Case History, Clinical examination, Provisional Diagnosis / DD, Investigations & Management)

22.12.2.2 Radiographic interpretations 30 Marks

22.12.2.3 Instruments 10 Marks

22.13 ORAL PATHOLOGY- AND ORAL MICROBIOLOGY

22.13.1 Record/Journal Book ..... 10 Marks

22.13.2 Practicals 80 Marks

22.13,2.1 10 Specimen:Identification & Points 10x3= 30 Marks

22.13.2.2. 10 Slides - Diagrams, Labelling & Salient features & identification - 5 marks each. 50 Marks

22.14 ORAL MEDICINE AND RADIOLOGY

22.14.1 Record/Journal Book ..... 10 Marks

22.14.2 Clinicals 80 Marks

22.14.2.1 Oral Medicine-Case presentation & Discussion (Case History, Clinical examination, Provisional Diagnosis / DD, Investigations & Management) 50 Marks

22.14.2.2 Radiology 30 Marks

One exercise of taking Periapical radiograph, Processing & interpretation

22.15 PAEDIATRIC & PREVENTIVE DENTISTRY

22.15.1 Record/Journal Book.....10Marks

22.15.2 Ciinicals 80 Marks

20.15.2.1 Case presentation & Discussion- 40 marks
Case History, Ciinical examination, Provisional Diagnosis / DD, Investigations & Management)

20.15.2.2 Clinical procedure: Any one of the three- 40 Marks

Oral prophylaxis and topical fluoride application or Restoration of decayed tooth or Extraction of primary tooth

22.16 ORTHODONTICS & DENTOFACIAL ORTHOPAEDICS

22.16.1 Record/Journal Book ..... 10 Marks

22.16.2 Clinicals 80 Marks

22.16.2.1 Case presentation & Discussion - 40 marks
(Case History, Clinical examination, Provisional Diagnosis / DD, Investigations & Management)

22.16.2.2 Wire Bending Excercises: Any two- 40 Marks

22.17 PERIODONTOLOGY

22.17.1 Record/Journal Book.....10 Marks

22.17.2 Clinicals 80 Marks

22.17.2.1 Case presentation 40 marks
(Case History, Clinical examination, Provisional Diagnosis / DD, Investigations & Management)

22.17.2.2 Oral Prophylaxis 40 marks

22.18 PROSTHODONTICS AND CROWN & BRIDGE

22,18.1 Record/Journal Book.....10 Marks

22.18.2 Clinicals (Case presentation & Discussion) 80 Marks

22.18.2.1 Case history 10 marks

22.18.2.2 Complete denture exercise 40 marks

22.18.2.3 Tooth preparation on typhodont 30 marks

22.19 CONSERVATIVE DENTISTRY AND ENDODONTICS

22.19.1 Record/Journal Boo 10 Marks

22.19.2 Clinicals (Clinical exercise & Discussion) 80 Marks Clinical Management of Carious lesions *on* permanent teeth

22.20 ORAL AND MAXILLOFACIAL SURGERY

22.20.1 Record/Journal Book 10 Marks

22.20.2 Clinicals (Clinical exercise & Discussion) 80 Marks

22.20.2.1 Case History & Examination 25 Marks

22.20.2.2Local anaesthesia technique 25 Marks

22.20.2.3 Extraction of firm tooth 30 Marks (Maxillary/ Mandibular post, tooth)

22.21 PUBLIC HEALTH DENTISTRY

22.21.1 Record/Journal Book 10 Marks

22.21.2 Clinicals (Case presentation & Health talk) 80 Marks

22.21.2.1 Case History & Examination 30 Marks

22.21.2.2 Assessment of Oral Health status 20 Marks

22.21.2.3 One Preventive clinical procedure 20 Marks

22.21.2.4 22.21.3 Oral Health education talk 10 Marks

23.0 QUALIFICATION AND EXPERIENCE OF TEACHING FACULTY

Qualification and experience of various cadres of teaching faculty as prescribed by Dental Council of India from time to time shall be applicable to the Faculty in Dental Institutions of RKDF University.

24.0 TEACHING SCHEDULE

The following are the minimum prescribed teaching hours in various subjects of BDS course as per DCI regulations:-

Sl. No.	Subject	Lecture Hours	Practical Hours	Clinical Hours	Total Hours
1.	General Human Anatomy including Embryology, Osteology and Histology	120(100)	160(175)	-----	280 (275)
2.	General Human Physiology, Biochemistry, Nutrition and Dietics	120(120) 80 (70)	160(60) 160(60)	---	280(180) 240(130)
3.	Dental Materials	120(80)	160(240)	---	280 (320)
4.	Dental Anatomy, Embryology, and Oral Histology	120(105)	240 (250)	---	360(355)
5.	Dental Pharmacology and Therapeutics	80 (70)	80 (20)	---	160(90)
6.	General Pathology &Microbiology	80(55) 80 (65)	80 (55) 80 (50)	---	160(110) 160(115)
7.	General Medicine	80 (60)	---	160(90)	240(150)
8.	General Surgery	80 (60)	---	160(90)	240(150)
9.	Oral Pathology and Microbiology	120(145)	160(130)	---	280 (275)
10.	Oral Medicine and Radiology	120(65)	---	200	320 (265)
11.	Pediatric& Preventive Dentistry	80(65)	---	200	280 (265)
12.	Orthodontics & Dental Orthopedics	80 (50)	-----	200	280 (250)
13.	Periodontology	80	---	200	280
14.	Oral & Maxillofacial Surgery	120(70)	—	360	480 (430)
15.	Conservative Dentistry and Endodontic	120(135)	200	480 (460)	800 (795)
16.	Prosthodontics & Crown & Bridge	160(135)	360(300)	460	980 (895)
17.	Public Health Dentistry	80 (60)	--	320 (290)	400(350)
		1590	**1540**	**2550**	**5680**

Established under M.P. Act No. 17 of 2007

Ordinance No. 58

MASTER OF SCIENCE IN NURSING (M. Sc. NURSING) 2 YEAR POST GRADUATE DEGREE COURSE

AIM AND OBJECTIVES

1.1 **AIM**

1.2.1 The aim of the postgraduate program in nursing is to prepare to assume responsibilities as nurse specialists, consultants, educators, administrators in a wide variety of professional settings

1.2 OBJECTIVES

1.2.2 On completion of the two year M.Sc Nursing programme, the will be able to:-

1.2.1 Utilize/apply the concepts, theories and principles of nursing science.

1.2.2 Demonstrate advance competence in practice of nursing.

1.2.3 Practice as a nurse specialist.

1.2.4 Demonstrate leadership qualities and function effectively as nurse educator and manager.

1.2.5 Demonstrate skill in conducting nursing research, interpreting and utilizing the findings from health related research.

1.2.6 Demonstrate the ability to plan and effect change in nursing practice and in the health care delivery system.

1.2.7 Establish collaborative relationship with members of other disciplines.

1.2.8 Demonstrate interest in continued learning for personal and professional advancement.

COURSE STRUCTURE

The post graduate degree in nursing two year course hereinafter designated as M. Sc. (Nursing).

2.1 The duration of M.Sc. (N) Course shall extend over a period of two years consisting named below:

i. M.Sc. (N) 1st Year

ji. M.Sc. (N) IInd Year

ACADEMIC QUALIFICATION FOR ADMISSION

3.1 The candidate should be a Registered Nurse and Registered Midwife or equivalent with any State Nursing Registration Council.

3.2 The minimum education requirements shall be the passing of:

B.Sc.Nursing / B.Sc. Hons. Nursing / Post Basic B.Sc. Nursing with minimum of 55% aggregate marks.

3.3 The candidate should have undergone in B.Sc. Nursing / B.Sc. Hons. Nursing / Post Basic B.Sc. Nursing in an institution which is recognized by Indian Nursing Council.

3.4 Minimum one year of work experience after Basic B.Sc. Nursing.

3.5 Minimum one year of work experience prior or after Post Basic B.Sc. Nursing.

3.6 Candidate shall be medically fit.

3.7 5% relaxation of marks for SC/ST candidates may be given.

CRITERIA FOR SELECTION

4.1 Entrance/Selection test

No. of Seats shall be such as approved by Nursing Council of India

Selection of the candidates should be based on the merit of the entrance examination or qualifying examination held by University or competent authority.

COURSE DURATION

5.1 The complete duration of M.Sc. (N) course shall be two years.

5.2 The duration of each academic year of M.Sc. (N) I & II years shall be not less than 10 month.

5.3 The maximum period to complete the course successfully should not exceed 4 years from the date of admission.

COURSE COMMENCEMENT

6.1 The commencement of 1st year M.Sc. (N) shall start during the period of July /August of every year.

6.2 Vacation shall be granted maximum four weeks duration between 2 academic years.

6.3 The subject to be studied in different academic year of M.Sc. (N) shall be as per scheme given as in subsequent sequence.

7.0 EXAMINATION

7.1 The medium of instruction and examination shall be English through out the course of the study.

7.2 SCHEME OF EXAMINATION

First Year

Subjects	Theory			Practical		
	Hours	Internal	External	Hours	Internal	External
Nursing Education	3	25	75		50	50
Advance Nursing Practice	3	25	75			
Nursing Research and Statistics	3 ,	25(7-4.3)	75			
Clinical Speciality -1	3	25	75		100	100
Total		100	300		150	150

Second Year

Subjects	Theory			Practical		
	Hours	Internal	External	Hours	Internal	External
Nursing Management	3	25	75			
Dissertation & Viva					100	100
Clinical Speciality-il	3	25	75		100	100
Total		50	150		200	200

7.3 University Examination

7.3.1 Minimum pass marks shall be 50 % in each of the Theory and practical papers separately.

7.3.2 A candidate has to pass in theory and practical exam separately in each of the paper.

7.3.3 The University assessment marks for the theory subjects shall be out of 75 marks.

7.3.4 The University assessment marks for the theory subjects of Nursing Research and Statistics shall be given out of 75, consisting of Nursing Research 50 and Statistics 25 Marks.

7.3.5 The Practical examination marks for the University assessment shall be out of 100 marks except Nursing Education shall be out 50 Marks.

7.3.6 Candidate who fails in any subject shall be permitted to continue the studies into the second year.

7.3.7 The candidate shall not be allowed to appear for the Second year examination till such time that he/she passes all subjects of thejirst year M.Sc nursing examination.

7.3.8 A candidate failing in more then two subjects will not be promoted to the IInd year.

7.3.9 Maximum no. of attempts per subject is three (3) inclusive of first attempt.

7.3.10 The practical examination should be done for 4 hours of practical examination per student.

7.3.11 Maximum number of students should not exceed more than 10 students per day per speciality.

7.3.12 The examination should be held in clinical area only for clinical specialties.

7.3.13 Maximum number of candidates for all practical examination should not exceed 10 per day.

7.3.14 The dissertation examination should be minimum 30 minutes Viva-voce per student.

Internal Examination

7.4.1 The internal assessment of the students is based on

Techniques	Weightage
■ Two test	50
■ Assignment	25
■ Seminar /presentation	25

7.4.2 The internal assessment marks for the theory subjects shall be out of 25 marks.

7.4.3 The internal assessment marks for the theory subjects of Nursing Research and Statistics shall be given out of 25, consisting of Nursing Research 15 and Statistics 10 Marks.

7.4.4 The Practical examination marks for the internal assessment shall be out of 100 marks except Nursing Education shall be out 50 Marks.

7.4.5 The internal assessment marks for the practical subjects shall be awarded on the basis of evaluation of performance of the student in the specific area / field.

7.5 Supplementary Examination

7.5.1 If a candidate fails in either theory or practical paper he/she has to re-appear for both the papers (Theory and practical).

7.5.2 There will be only one mid-session Supplementary Examination held by the University ordinarily held in the month of September / October. There will another Supplementary Examination at the time of Annual main examination.

7.5.3 Non appearance at an examination on grounds of sickness or otherwiseKwill be treated as one of the three attempts.

7.6 Guidelines for Dissertation

7.6.1 Tentative Schedule for dissertation shall be as follows

7.6.1.1 Submission of the research proposal: End of 9th month of 1st year.

7.6.1.2 Submission of dissertation - Final: End of 9th month of 2nd Year.

7.6.2 Qualification of Research Guide

7.6.2.1 Main guide: Nursing faculty / nursing expert in the same clinical speciality holding Ph.D. / M. Phil or M. Sc. Nursing with a minimum of 3 years experience in teaching in the Post Graduate Programme in Nursing.

7.6.2.2 Co-Guide: A Co-Guide is a nursing facuity/expert in the field of study (may be from outside the college but should be within the city.)

7.6.2.3 Guide: Students Ratio: Maximum of 1:4 (including as co-guide)

7.6.3 There should be a research committee comprising of minimum 5 members chaired by the Principal, College of Nursing.

7.6.4 The research topics shall be approved by institutional research committee.

7.6.5 Administrative approval and ethical clearance should be obtained

CRITERIA FOR PASSING

8.1 Minimum pass marks shall be 50 % in each of the Theory and practical papers separately.

8.2 A candidate has to pass in theory and practical exam separately in each of the paper.

8.3 If a candidate fails in either theory or practical paper he/she has to re-appear for both the papers (Theory and practical).

DIVISION & MERIT

9.1 For declaring the rank aggregate of 2 years marks to be considered.

9.2 Classification of results

i.	Distinction	75% and above
ii.	First Division	60 - 74 %
iii.	Second Division	50 - 59 %
iv	50% pdgs in each of the theory and practical separately.	

10.0 ATTENDANCE

10.1 A candidate must have minimum of 80% attendance (irrespective of the kind of absence) in theory and practical in each subject for appearing for examination.

10.2 A candidate must have 100% attendance in each of the practical area before award of degree.

11.0 APPOINTMENT OF EXAMINERS

11.1 Question paper setter / moderator / head evaluator / Examiner shall have minimum 3 years experience after M.Sc nursing working in any nursing institute conducting nursing courses can be appointed.

11.2 Practical examiner-One internal and one external examiner (outside the University) should jointly conduct practical examination for each student.

11.3 Evaluation of the Dissertation

11.3.1 Evaluation of the dissertation should be done by the examiner prior to viva.

11.3.2 One internal and one external examiner (outside the University) should evaluate dissertation and jointly conduct viva-voce for each student

11.3.3 For Dissertation Internal examiner should be the guide and external examiner should be Nursing faculty / nursing expert in the same clinical specialty holding Ph.D. / M. Phil or M.Sc. Nursing with a minimum of 3 years experience in guiding the research projects for Post Graduate students of Nursing.

12.0 REVALUATION / RE-TOTALING

12.1 Revaluation and re-totaling of marks is permitted for theory papers only. The University, on application within the stipulated time and remittance of a prescribed fee, shall permit a recounting of marks and/or revaluation for the subject(s) applied.

12.2 The result after revaluation/re-totaling shall be declared as per prevailing revaluation/re-totaling rules and regulation of the RKDF University.

13.0 CANCELLATION OF ADMISSION

The admission of a student at any stage of study shall be cancelled by the Vice Chancellor based on recommendation of Head of Institution, if;

13.1 Candidate is not found qualified as per INC/State Government norms and guidelines or the eligibility criteria prescribed by the University.

OR

13.2 Candidate is notable to complete the course within the stipulated time as prescribed in~5.3.

OR

13.3 Candidate is found involved in serious breach of discipline in the institution or in tpe University campus.

SCHEME OF STUDIES

14.1 Annual schedule of studies

		Available -	52 weeks
i.	Vacation	-	4 weeks
ii.	Examination	-	2 weeks
v.	Gazetted holidays	-	3 weeks
v.	Total weeks available	-	43 weeks
vi.	40 hours per week	-	1720 hours
vii.	**Total hours for 2 years**	**-**	**3440 hours**

14.2 The subject to study in different academic year of M.Sc. (N) shall be as per the scheme given in subsequent sections.

Distribution of Hours

FIRST YEAR

Paper No.	Subject	Theory	Practical
1.	Nursing Education	150	150
2.	Advance Nursing Practice	150	200
3.	Nursing Research and Statistics	150	100
4.	* Clinical Speciality -1	150	650
	Total	**600**	**1100**

SECOND YEAR

Paper No.	Subject	Theory	Practical
5.	Nursing Management	150	150
6.	Nursing Research (Dissertation)		300
7.	* Clinical Speciality — II	150	950
	Total	**300**	**1400**

*** Clinical Speciality - Medical Surgical Nursing (Cardio Vascular & Thoracic Nursing, Critical Care Nursing, Oncology Nursing, Neurosciences Nursing, Nephro-Urology Nursing, Orthopaedic Nursing, Gastro - Enterology Nursing), Obstetric & Gynaecological Nursing, Child Health Nursing (Paediatric), Mental Health Nursing (Psychiatric), Community Health Nursing.**

Note:-Educational visit 2 weeks.

Established under M.P. Act No. 17 of 2007

ORDINANCE NO.59

GENERAL NURSING & MIDWIFERY (GNM) PROGRAMME

1.0 AIMS & OBJECTIVES

1.1 AIMS

The aims of the nursing program are to:

1.1.1 Prepare Diploma Holders to assume responsibilities as professional, competent nurses and midwives in providing promotive, preventive, curative, and rehabilitative services

1.1.2 Prepare nurses, who can make independent decisions in nursing situations, protect the rights of and facilitate individuals and groups in pursuit of health, function in the hospital, community-nursing services, and conduct research studies in the areas of nursing practice. They are also expected to assume the role of teacher, supervisor, and manager in a clinical / public health setting.

1.2 OBJECTIVES

On completion of the Course will be able to:

1.2.1 Apply knowledge from physical, biological and behavioral sciences, medicine including alternative systems and nursing in providing nursing care to individuals, families and communities.

1.2.2 Demonstrate understanding of life style and other factors, which affect health of individuals and groups.

1.2.3 Provide nursing care based on steps of nursing process in collaboration with the individuals and groups.

1.2.4 Demonstrate critical thinking skill in making decisions in all situations in order to provide quality care.

1.2.5 Utilize the latest trends and technology in providing health care.

1.2.6 Provide promotive preventive and restorative health services in line with the national health policies and programmes.

1.2.7 Practice within the framework of code of ethics and professional conduct, and acceptable standards of practice within the legal boundaries.

1.2.8 Communicate effectively with individuals and groups, and members of the health team in order to promote effective interpersonal relationships and teamwork.

1.2.9 Demonstrate skills in teaching to individuals and groups in clinical/community health settings.

1.2.10 Participate effectively as members of the health team in health care delivery system.

1.2.11 Demonstrate leadership and managerial skills in clinical /community health settings.

1.2.12 Conduct need based research studies in various settings utilize the research findings to improve the quality of care.

1.2.13 Demonstrate awareness, interest, and contribute towards advancement of self and of the profession.

2.0 **Duration**

2.1 The duration of the course shall be three years with Internship.

2.2 Maximum period to complete the course successfully should not exceed 6 years from the date of admission.

3.0 **Eligibility Criteria for admission**

The eligibility criteria for admission shall be as under:

3.1 Minimum and Maximum age for admission will be 17 and 35 years. There is no age bar for ANM/LHV.

3.2 Minimum education:

3.2.1 10+2 class passed preferably Science (PCB) & English with aggregate of 40% marks

3.2.2 10+2 in Arts (Mathematics, Biotechnology, Economics, Political Science, History, Geography, Business Studies, Accountancy, Home Science, Sociology, Psychology, Philosophy) and English Elective or Health care Science- Vocational stream ONLY, passing out form recognized Board under AISSCE/CBSE/ICSE/SSCE/HSCE or other equivalent Board.

3.2.3 10+2 vocational ANM under CBSE Board of other equivalent board from the school and recognized by Indian Nursing Council.

3.2.4 Registered as ANM with State Nursing Registration Council.

3.3 Student shall be medically fit.

3.4 Students qualified in 10+2 Arts or Science examination or Health care Science- Vocational stream ONLY conducted by National Institute of Open School.

3.5 Student shall be admitted once in a year.

4.0 **Criteria for Selection**

No. of Seats shall be such as approved by Nursing Council of India

4.1 The candidate who fulfill the aforesaid academic qualification for admission.

4.2 Admission shall be based on merit of qualifying examination.

4.3 There shall be no upper age limit for admission for trained Registered nurses.

4.4 The relaxation for Scheduled Caste/Scheduled Tribe OBC/Physical handicapped the relaxation in eligibility marks shall be as per rules of State/Central Govt. and Regulatory Body

5.0 **Syllabus:**

Syllabus of the course of GNM will be as per guidelines of Indian Nursing Council and as approved by the Board of Studies/Academic Council.

FIRST YEAR

Subjects	Theory(hours)	Practical (hours)	
Bio Sciences - Anatomy & Physiology. - Microbiology	**120** 90 30	-	
Behavioral Sciences - Psychology - Sociology	**65** 45 20		
Nursing Foundations - Fundamentals of Nursing. - First aid	**220** 200 20	200 (lab)	724(clinic) 22 weeks

Subjects	Theory(hours)	Practical (hours)

Community Health Nursing - CHN-I - Environmental Hygiene - Health Education & Communication Skills - Nutrition	**185** 80 30 45 30	336 8 weeks
English	**30**	-
Computer Education	**15**	20
Co-curricular activities	**20**	-
TOTAL	**672 (16**	**1260 (30**
		1932

SECOND YEAR

Subjects	**Theory (hours)**	**Practical (hours)**
Medical Surgical Nursing-I	130	840 (20 wks)
Medical Surgical Nursing - II	130	
Mental Health Nursing	70	336 (8wks)
Child Health Nursing	70	336 (8wks)
Co-curricular activities	20	-
TOTAL	**420 (10 weeks)**	**1512 (36 weeks)**
	1932	

THIRD YEAR Part-I

Subjects	**Theory (hours)**	**Practice (hours)**
Midwifery & Gynaecological Nursing	140	588 (14 wks)
Community Health Nursing-II	100	168 (4 wks)
Co-curricular	12	-
TOTAL	**252 hours**	**756 hours**
	1008	

THIRD YEAR Part-II (Integrated supervised Internship)

Theory Subjects	**Theory (hours)**
Nursing Education	20
Introduction to Research and statistics	30
Professional Trends & Adjustments.	30
Nursing Administration & Ward Management	40
TOTAL	**120**

Clinical Areas	**Clinical Hours/ weeks ***

Medical Surgical Nursing	258(6)
Community Health Nursing	258(6)
Child Health Nursing	86(2)
Midwifery and Gynaecological Nursing	344(8)
Mental Health Nursing	86(2)
TOTAL	**1032(24)**

6.0 **Clinical Postings:**

Clinical postings will be according to master rotation plan in different clinical areas of hospital & community.

7.0 **Examinations:**

The examinations shall be held as per Scheme of Examinations as approved by the Board of Studies/Academic Council of the University.

The medium of instruction and examination shall be English throughout the course of study.

7.1 There shall be one annual University Examination at the end of each academic year in the month of May/June.

7.2 The external Examination for practical subject shall be as per the scheme of Examination

7.3 A minimum of 50% marks in theory and practical is required to clear the Examination.

7.4 A Candidate has to secure minimum of 33% in English (qualify examination). The obtained marks shall be not be added in grand total.

7.5 Maximum number of students for practical examination should not exceed beyond 15-20 per day.

7.6 All practical examinations must be held in the respective clinical areas.

7.7 The duration of theory examinations shall be Three hours.

7.8 If a candidate fails in any number of subjects in main examination, he/she will be considered as supplementary candidate in subsequent examination.

8.0 **Supplementary Examination:**

8.1 There will be only one mid-session Supplementary Examination by the University generally held in the month of September / October of each year. However those who clear the supplementary exam, will appear in the main exam.

9.0 **Internal Examination**

9.1 The assessment of academic growth of the students shall be done continuously and on day to day basis.

9.2 Internal assessment marks shall be on the basis of two term examination and one pre-university examination, class tests, theory and practical assignment and clinical performance.

9.3 The internal assessment marks for the theory subjects shall be out of 25 marks.

9.4 The internal assessment marks for the practical shall be out of 50 marks.

9.5 A candidate has to secure minimum of 50% marks in internal examination (including theory and practical) for qualifying/appearing in the external examination.

9.6 In case a candidate fails in any subjects there shall be provision of improvement in internal assessment marks and those marks will be considered in subsequent examinations.

10.0 **Criteria for passing**

10.1 A Candidate has to pass in theory and practical exam separately in each subject.

10.2 Minimum passing marks shall be 50% in each of the theory (i.e. internal assessment and university examination taken together) and practical (i.e.

internal assessment and university examination taken together) papers separately.

10.3 A candidate has to secure minimum of 33% in qualifying subject (English) for passing.

10.4 If a candidate fails in either theory or practical paper he/she has to re-appear for both the papers (Theory and Practical).

10.5 A Candidate failing in any number of subjects will be promoted to the next year but the duration of completion shall not exceed then 6 years.

10.6 Grace marks up to a maximum of 5 marks may be awarded to students who have fail in two subjects but passed in all other subjects.

11.0 **Division & Merit**

- Distinction - 75% and above in any subject (First attempt only)
- First Division - 60% and above in the aggregate of marks of all main subject.
- Second Division - Marks 50% and above but less than 60% in the aggregate of of all main subjects.
- Pass - Shall be awarded to the candidate passing with Supplementary or more than one attempt.

12.0 The Fees of this Course shall be as decided by the Board of Management of the University and after the approval of M.P. Private University Regulatory Commission.

13.0 The medium of Instruction and Examination shall be English

Established under M.P, Act No. 17 of 2007

ORDINANCE No. 60

POST BASIC BACHELOR OF SCIENCE IN NURSING
P.B. B.Sc. (NURSING) – 2 YEARS DEGREE COURSE

1.0 AIMS AND OBJECTIVES

1.1 AIMS

The aim of the Post Basic Graduate nursing program is to:

1.1.1 Assume responsibilities as professional, competent nurses and midwives at basic level in providing promotive, preventive, curative and rehabilitative services.

1.1.2 Make independent decisions in nursing situations protect the rights of and facilitate individuals and groups in pursuit of health, function in the hospital, community nursing services and conduct research studies in the areas of nursing practice. They are also expected to assume the role of teacher, supervisor, manager in a clinical/public health settings.

1.2 OBJECTIVES

On completion of the two years Post Basic B.Sc. Nursing program the graduates will be able to:

1.1.1 Assess health status, identify nursing needs, plan, implement and evaluate nursing care for patients/clients that contribute to health of individuals, families and communities.

1.1.2 Demonstrate competency in techniques of nursing based on concepts and principles from selected areas of nursing, physical, biological and behavioral sciences.

1.1.3 Participate as members of health team in the promotive, preventive, curative and restorative health care delivery system of the country.

1.1.4 Demonstrate skills in communication and interpersonal relationship.

1.1.5 Demonstrate leadership qualities and decision-making abilities in various situations.

1.1.6 Demonstrate skills in teaching to individuals and groups in community health settings.

1.1.7 Demonstrate managerial skills in community health settings.

1.1.8 Practice ethical values in their personal and professional life.

1.1.9 Participate in research activities and utilize research findings in improving nursing practice.

1.2.10 Recognize the need for continues learning for their personal and professional development.

2.0 COURSE STURCTURE

The degree in Post Basic B.Sc. Nursing of Two years course shall be designated as Post Basic Bachelor of Science in Nursing, in short Post Basic B.Sc. (Nursing).

2.1 The duration of certified study for the P.B. B.Sc. Degree course in Nursing (Basic) shall extend over a period of two academic years, as named below:

i) Post Basic B.Sc. (N) – First Year
ii) Post Basic B.Sc. (N) – Second Year

3.0 ACADEMIC QUALIFICATION FOR ADMISSION

3.1 The candidate should be a Registered Nurse and Registered midwife or equivalent with any State Nursing Registration Council.

3.2. The minimum education requirements shall be the passing of General Nursing and Midwifery Course of 3 Year with minimum of 50% aggregate marks.

3.3. The candidate should have undergone in G.N.M. Course from an institution which is recognized by Indian Nursing Council.

3.4. Candidate shall be medically fit.

3.5. 5% relaxation of marks for SC/ST candidates may be given.

4.0 CRITERIA FOR SELECTION

No. of Seats shall be such as approved by Nursing Council of India

4.1 The admission in Post Basic B.Sc. (N) I year shall be based in the merit in the Common Entrance Test or Qualifying Exam.

5.0 COURSE DURATION

5.1 The duration of Post Basic B.Sc.(Nursing) Course shall be Two years.

5.2 The maximum period to complete the course successfully should not exceed 4 years from the date of admission.

6.0 COURSE COMMENCEMENT

6.1 The Post Basic Basic B.Sc. (N) I year course shall commence from August/September of the academic year.

7.0 VACATION:

7.1 The Heads of Institutions shall declare 4 (Four) weeks of vacation in an academic year to the students. The period(s) of vacation can be decided by the Head of the Nursing Institution.

8.0 EXAMINATION

8.1 The medium of instruction and Examination shall be English throughout the course of study.

8.2 SCHEME OF EXAMINATION

POST BASIC B.Sc. (N) – FIRST YEAR

Paper No.	First Year Subject	Assessment			
		Hours	Internal	External	Total
	Theory				
1	Nursing Foundations	2	15	35	50
2	Nutrition & Dietetics	2	15	35	50
3	Biochemistry & Biophysics	3	25	75	100
4	Psychology	3	25	75	100
5	Microbiology	3	25	75	100
6	Maternal Nursing	3	25	75	100
7	Child Health Nursing	3	25	75	100
8	Medical & Surgical Nursing	3	25	75	100
9	English*	3	25	75	100
Practicals					
1	Medical & Surgical Nursing		50	50	100
2	Maternal Nursing		50	50	100
3	Child Health Nursing		50	50	100

** Qualifying Examination*

POST BASIC B.Sc. (N) – SECOND YEAR

Paper No.	SECOND YEAR Subject	Assessment			
		Hours	Internal	External	Total
	Theory				
10	Sociology	3	25	75	100
11	Community Health Nursing	3	25	75	100
12	Mental Health Nursing	3	25	75	100
13	Introduction to Nursing Education	3	25	75	100

14	Introduction to Nursing Administration	3	25	75	100
15	Introduction to Nursing Research & Statistics **	2	50	-	50
4	**Practical and Viva voce** Community Health Nursing		50	50	100
5	Mental Health Nursing		50	50	100
6	Research Project **		50	50	100

** *College Examination*

8.3 UNIVERSITY EXAMINATION

8.3.1 There shall be one Annual University Examination at the end of each academic year.

8.3.2 There shall be provision for supplementary examination.

8.3.3 The University examination for theory subject shall be out of 75 marks.

8.3.4 For English – minimum passing marks will be 40.

8.3.5 Maximum number of candidates for practical examination should not exceed 20 per day.

8.3.6 All practical examinations must be held in the respective clinical areas.

8.4 INTERNAL EXAMINATION

8.4.1 The internal assessment marks for the theory subjects shall be out of 25 marks.

8.4.2 The internal assessment marks for the practical subjects shall be awarded on the basis of evaluation of performance of the student in the specific area / field.

8.5 SUPPLEMENTARY EXAMINATION

8.5.1 There shall be one mid session Supplementary Examination held by the University ordinarily held in the month of September / October. However, those who fail in Supplementary exam will appear in main exam.

8.5.2 The First year students will have to clear all First year subjects in a maximum limit of 2 (Two) attempts, after which they will not be allowed to continue their Post Basic B.Sc. (Nursing) course

8.5.3 Non appearance at an examination on grounds of sickness or otherwise, will be treated as one of the two attempts allowed for I year subject(s).

8.5.4 If a first year candidate fails in mid session supplementary paper(s), candidate will be given an opportunity to appear in the\

main examination of II year provisionally alonwith the backlog of last year subjects.

8.5.5 If a candidate fails in backlog subjects of the I year, the result of II Year examination for which candidate is provisionally admitted will be treated as cancelled. The candidate will have to repeat her backlog subjects of I year in next mid session supplementary examination.

8.5.6 Only failed subjects will have to to be repeated in mid session supplementary or Supplementary examination with the main annual examination.

8.5.7 The marks obtained by the candidate in the subjects passed in Supplementary Examination or additional attempts shall be taken into account as pass in the examination.

9.0 CRITERIA FOR PASSING

9.1 A candidate has to pass in theory and practical examination separately in each of the paper.

9.2 A candidate failing in more than two subjects will not be promoted to the next academic year.

9.3 Minimum pass marks shall be 40% in each of the theory and practical separately.

9.4 If a candidate fails in either theory or practical paper, he/she has to re-appear for both Theory & Practical papers.

9.5 Maximum number of attempts permitted for each paper shall be three including first attempt.

9.6 A maximum of 5 marks can be awarded to a student, by the examiner, in main or supplementary examination if he/she is failing to score the minimum pass marks criteria.

10.0 DIVISION & MERIT

10.1 Distinction - 75% and above in any subject (First attempt only)

10.2 First Division - 60% and above in aggregate of marks of all main subjects

10.3 Second Division - Less than 60% and upto 45% in aggregate of marks of all main subjects

10.4 Third Division – Less than 45% and upto 40% in aggregate of marks of all main subjects

10.5 Pass Class – Shall be awarded to the candidate passing with Supplementary or more than one attempt.

11.0 ATTENDANCE

11.1.1. No student shall be allowed to appear for the Final University Examination conducted by RKDF University unless he fulfills the requirement of attendance (80% Lectures, 100% in practical and clinics in each subject / course.

11.1.2 In case of sickness or any valid reasons the candidate will be permitted to appear for examination if she/he has 75% attendance. However student will complete the expected clinical experience during vacation.

11.1.3. A candidate must have 100% attendance in each of the clinical areas before the award of the degree.

11.1.4. The candidate has to pass in theory and practical exam. separately in each of the papers .

11.1.5. If a candidate fails in either theory or practical papers he/she has to reappear for both papers (theory and practical) in the subsequent examination.

11.1.6. The maximum period to complete the course successfully should not exceed 8 years from the date of admission.

11.1.7. Maximum number of candidates for practical examinations should not exceed 20 per day.

11.1.8. All practical examination must be held in the respective clinical areas.

11.1.9. One internal and one external examiner should jointly conduct practical examinations for each student.

11.1.10. The examinations as mid-term and pre-final are internals and the final examinations as university examination.

11.1.11. No student will be allowed to appear for the University Examination unless he/she obtains 50% marks in Internal Assessment for each subject / course separately.

11.1.12. The Dean / Principal should certify that the candidate appearing for University Examination satisfies the above conditions.

12.0 APPOINTMENT OF EXAMINERS / QUESTION PAPER SETTER

The appointment of examiner for the Theory and Practical examination shall be based on following rules:

12.1 Question paper setter / Moderator / Head Evaluator shall be

Professor or Associate Professor with an experience of minimum 8 years teaching experience with Post Graduate Degree or Doctorate in concerned subject and working in any Nursing Institute in any part of India can be appointed.

12.2 **PRACTICAL EXAMINER**

12.2.1 One Internal and One External Examiner should jointly conduct Practical examination for each student.

12.2.2 An Examiner should be Associate Professor or Assistant Professor in a college of nursing with Post Graduate Degree in concerned subject and with a minimum of 5 years of teaching experience and working in any Nursing Institute in any part of India will be considered.

13.0 REVALUATION / RE-TOTALLING

13.1 Revaluation and re-totaling of marks is permitted for theory paper only. The University, on receipt of application within the stipulated time and remittance of a prescribed fee, shall permit a recounting of marks and/or revaluation for the subject(s) applied.

13.2 The result after revaluation/re-totaling shall be declared as per prevailing revaluation/re-totaling rules and regulation of RKDF University.

14.0 CANCELLATION OF ADMISSION

14.1 The admission of any student shall be cancelled by the University based on the recommendation of Head of Institute, if :

14.1.1 The candidate is not able to complete the course within the stipulated time period.

OR

14.1.2 The candidate is found involved in serious breach of discipline in the Institution or in the University Campus.

OR

14.1.3 The candidate does not fulfill the eligibility criteria for admitting in Nursing course as per Indian Nursing Council / State Government norms and guidelines.

15.0 ELIGIBILITY CERTIFICATE

15.1.1 The candidate must have passed Diploma in General Nursing and Midwifery in an institution which is recognized by Indian Nursing Council.

15.1.2 The candidate should be a Registered Nurse and Registered Midwife or equivalent with any State Nursing

Registration Council..

17.0 SCHEME OF STUDIES

The subject to study in different academic year Post Basic B.Sc. (N) shall be as per the scheme given in the subsequent sections:

17.1 DISTRIBUTION OF HOURS

FIRST YEAR

First Year Subject	Theory (In hrs.) (Class and Lab)	Practical (In hrs.) (Clinical)	In Hours
1. Nursing Foundation	45		
2. Nutrition and Dietetics	30	15	
3. Biochemistry & Biophysics	60		
4. Psychology	60	15	
5. Maternal Nursing	60	240	
6. Child Health Nursing	60	240	
7. Microbiology	60	30	
8. Medical & Surgical Nursing	90	270	
9.English*	60		
Total Hours	**525**	**810**	
Total Hours = 1335 hrs.			

** Qualifying Paper*
 # Hindi / Local Language as per the need of the Institution

SECOND YEAR

First Year Subject	Theory (In hrs.) (Class and Lab)	Practical (In hrs.) (Clinical)	In Hours
10. Sociology	60		
11. Community Health Nursing	60	240	
12. Mental Health Nursing	60	240	
13. Introduction to Nursing Education	60	75	
14. Introduction to Nursing Administration	60	180	
15. Introduction to Nursing Research & Statistics	45	120	
Total Hours	**345**	**855**	
Total Hours = 1200 hrs.			

Established Under M.P. Act No. 17 of 2007

ORDINANCE NO.61

B.H.M.S.(Bachelor of Homoeopathic Medicine and Surgery)

The Ordinance is applicable to candidates admitted in Bachelor of Homoeopathic Medicine and Surgery

Aims & Objective

1.0 **Aims**

To heal and comfort the suffering humanity with compassion and respect; and to be recognized as a global leader in Homoeopathic Medical Education and Research

2.0 **Objective**

- To be a centre of excellence in Homoeopathic Medical Education and research.
- To be progressive in providing holistic health care services to all.
- To be a pioneer in reaching out to the underprivileged
- To inculcate moral values in the students to guide them in the service of the suffering humanity
- To be a pioneer in providing quality patient care and best medical education, responsive to society's needs through Homoeopathy.

3.0 **Duration of Course**

The duration of Course shall five & Half year including internship & the maximum duration shall be 8 years

4.0 **Eligibility Criteria for admission**

4.1 For admission to BHMS course, only those candidates are eligible who have passed the 12th Exam of 10+2 system (qualifying examination) with Physics, Chemistry and Biology subjects separately and has secured not less then 50% aggregate marks for unreserved category. Candidate of all categories and classes are required to have passed ENGLISH subject in the qualifying examination of 10+2 system.

OR

Have passed an equivalent or higher examination with Physics, Chemistry and Biology from any other recognized Board or University recognized by Department of School Education, Government of Madhya Pradesh. For foreign nationals seeking admission, their eligibility shall be considered on the thesis of equivalent certificate issued to them by the concerned Board / University and approved by the Ministry of External Affairs, Government of India. Candidate of all categories and classes are required to have passed ENGLISH subject in qualifying equivalent examination. No candidate shall be allowed to be admitted in Homeopathy intuition until the candidate has completed or shall complete the age of 17 years on or before 31st December of the year of examination.

4.2 The relaxation for Scheduled Caste/Scheduled Tribe OBC/Physical handicapped the relaxation in eligibility marks shall be as per rules of

State/Central Govt. and Regulatory Body i.e. Central Council of Homoeopathy

5.0 CRITERIA FOR SELECTION:

Students for BHMS Course shall be admitted as decided by Board of Management of the University which should be as per directive/guideline of Regulatory body

5.1 Students for BHMS course shall be selected strictly on the basis of their academic merit and on the basis of merit as determined by the competitive entrance examination conducted by Ram Krishna Dharmarth Foundation University / any other designated agency approved and authorized by the Ram Krishna Dharmarth Foundation University, Bhopal or as decided by Regulatory Body i.e. Central Council of Homoeopathy.

5.2 The minimum percentage of marks for eligibility for admission to BHMS Courses shall be 50% for general category candidates and 40% for the candidates belonging to Scheduled Castes and Scheduled Tribes, obtained in Entrance examination.

5.3 The candidates for admission to BHMS Course shall be selected on the basis of Admission selection process decided by statutory body. The fees for each course shall be decided by Board of Management of University after the approval of M.P. Private University Regulatory Commission. The Number of seats in each course will be as per approval of Central Council of Homoeopathy.

6.0 ATTENDANCE

6.1 A student shall be required to have a minimum attendance of 75% or more in the aggregate of all the Subject taken together in an Academic year.

7.0 CURRICULUM OF THE PROGRAMME

7.1 Curriculum of the B.H.M.S. courses, theory and practical's shall be as approved by the Academic Council as per guidelines of Regulatory body

8.0 (A) MINIMUM TEACHING HOURS, EXAMINATION & EVALUATION, CRITERIA FOR PASSING COURSES, MARKS AND DIVISIONS

8.1 Any undergraduate may be admitted to the First B.H.M.S. examination provided that he has regularly attended, the following courses of instruction in the subjects of the examination, theoretical and practical for not less than one year in the college / institution to the satisfaction of the Principal / Director / Principal of the institution.

8.2 A candidate securing 75% or above marks in any of the subjects shall be declared to receive honours in that subjects provided he has passed the examination in the first attempt.

8.3 In order to pass the B.H. M.S. Examination a candidate must pass in all subjects of the examination

Pass marks in all subjects both homoeopathic and allied medical subjects shall be 50% in each part (written, oral with practical).

8.4 For appearing in Second B.H.M.S. Exam, the candidate should have passed the First B.H.M.S. examination at least one year previously; and for third B.H.M.S. Exam, he has passed the second B.H.M.S. examination at least one year previously. The Third B.H.M.S. examination shall be held at the end of 3.5 years of

B.H.M.S. course or at the end of 42nd month of admission to First B.H.M.S.

8.5 The Fourth B.H.M.S. Examination shall be held at the end of 54th month of admission to First B.H.M.S.

NOTE: -Any changes if notified through Regulation by the Central Council for Homoeopathy, the provision of the above clause shall be modified to the extent.

9.0 RESULTS AND READMISSION TO EXAMINATION

9.1 Controller of Examination will ensure that the results of the examination are published in time so that the students who successfully complete the B.H.M.S. Examinations can complete the course in **5 1/2** years after admission.

9.2 Candidates who have passed in one or more subjects need not appear in that subject or those subjects again in the subsequent examinations if the candidate passes the whole examination within four chances including the original examination.

9.3 Facility to keep term: Not withstanding with the foregoing regulations, the students shall be allowed the facility to keep term on the following conditions:

9.3.1 The candidate must pass the Second B.H.M.S. Examination at least one term (6 months) before he is allowed to appear in the Third B.H.M.S. Examination.

9.3.2 The candidate must pass the Third B.H.M.S. Examination at least one term (6 months) before he is allowed to appear in the Fourth B.H.M.S. Examination.

9.3.3 No candidate shall be given more than 4 chances to appear in First B.H.M.S. Examination in the same subject.

9.4 A candidate who appears at Second or Third B.H.M.S. Examinations, but fails to pass in the subject or subjects, he may be admitted to the next examination in the subject or subjects. However candidates shall be allowed to keep term as provided in (7.3) above.

9.5 Special classes, seminars, demonstrations, practical, tutorials etc. shall be arranged for the repeaters in the subject in which they have failed before they are allowed to appear at the next examination, in which attendance shall be Compulsory.

9.6 If a candidate fails to pass in all the subjects within four chances in examinations, he shall be required to prosecute a further course of studying all the subjects and in all parts for one year to the satisfaction of the head of the college and appearing for examination in all the subjects.

Provided that if a student appearing for the Fourth B.H.M.S. examination has only one subject to pass at the end of prescribed chances, he shall be allowed to appear at the next examination in that particular subject and shall complete the examination with this special chance.

9.7 The examining body may under exceptional circumstances, partially or wholly cancel any examination conducted by it under intimation to the Central Council of Homoeopathy and arrange for conducting re-examination in those subjects within a period of thirty days from the date of such cancellation.

9.8 Grace marks may be awarded to the students at the discretion of the University/ examining body on exceptional circumstances.

Note :-However, in clause 10 it is subject to the provision that any

changes if notified Through Regulation by the Central Council for Homoeopathy, the provision of the above clause shall be modified to the extent.

10.0 **INTERNSHIP**

10.1 Training in paediatric department to understand paediatric problems and their management through Homoeopathy.

10.2 In the department of skin he should be exposed to various skin lesions and their diagnosis including allergy, leprosy, Leukoderma etc., and their management through Homoeopathy.

10.3 He should be exposed to various community based health activities, health programmes, their implementations and organizational set up. He should also be involved in motivational programmes, health education nutrition, M.C.H., Family welfare and other activities, Control of communicable diseases like tuberculosis, leprosy and sexually transmitted disease.

10.4 Medico-Legal: Acquaintance with issue of various medical certificates like leave certificate on the ground of sickness, fitness certificate, death certificate, birth certificate, medical examination, court procedures in police cases like deaths by unnatural cause, accident etc. preservation of viscera in poisoning cases, postmortem, various Drugs Acts, Homoeopathic Pharmacopoeias, Homoeopathy Central Council Act, various State Homoeopathic Acts, Act of professional conduct and ethics.

10.5 Drug Proving:

In case of degree level internee, it shall be compulsory to take part in Drug Proving Programme and the Internee shall prove at least one drug during the period of internship.

10.6 Each student during the compulsory internship training shall be allotted specific assignment for doing his/her original work in an objective manner. The assignment to be given shall be. Decided mutually by the concerned students and the college authorities. Such assignments will be evaluated by a team of 3 experts (relevant to subject) appointed by the College/ institution with consent of University concerned. The College authority will also ensure avoidance of duplication of work.

10.7 **Maintenance of Records**

Each internee shall have to maintain a detailed record of at least 25 acute cases and 15 chronic cases treated with homoeopathic medicine during his training in the medical department. Each internee shall have to maintain a detailed record of at least 10 delivery cases attended by him in the Department of Obstetrics and 15 surgical cases assisted by him in the Department of Surgery. During this period internee shall also have to carry out any selective assignment on any subject given to him by the physician In-charge.

10.8 **Attendance**

Minimum attendance of each internee shall not be less than 80%.

10.9 Each candidate shall be required to undergo compulsory rotating internship of one year, after passing the final B.H.M.S. Examinations, to the satisfaction of the Principal of the Homoeopathic College. Thereafter only, the candidate shall be eligible for the award of Degree of Homoeopathic Medicine and Surgery (B.H.M.S.) by the University.

10.9.1 All parts of the internship training shall be undertaken at the hospital attached to the College, and, in cases where such hospital cannot accommodate all of its

students for internship then such candidates/ students shall be informed in writing by the college and it shall be the responsibility of the College to ensure that each of such students is put on internship training in a Homoeopathic Hospital or dispensary run by Government or local bodies.

10.9.2 To enable the State Board/ Council of Homoeopathy to grant provisional registration of minimum of one year to each candidate to undertake the internship, the University concerned shall issue a provisional passed certificate on passing the final B.H.M.S. Examination to each successful candidate.

Provided that in the event of shortage, or unsatisfactory work, the period of compulsory internship and the provisional registration shall be accordingly extended by the State Board/ Council.

10.9.3 Full registration shall only be given by the State Boards if the B.H.M.S. degree awarded by the University concerned is a recognized medical qualification as per Section 13(1) of the Act, and Board shall award registration to such candidates who produce certificate of completion or compulsory rotation internship of not less than one year duration from the

Principal of College where one has been a bonafide student which shall also declare that the candidate is eligible.

10.9.4 The internee students shall not prescribe the treatment including medicines and each of them shall work under the direct supervision of Head of Department concerned and/or a Resident Medical Officer. No intern student shall issue any medico-legal document under his/her signatures.

10.9.5 Each candidate shall complete the internship training at the maximum within a period of 24 months after passing the final year examination.

10.10 The internship training shall be regulated by the Principal in consultation with concerned Heads of Departments and R.M.O. as under:-.

10.10.1 Each internee student shall be asked to maintain a record of work which is to be constantly monitored by the Head of concerned Department and/or Resident Medical Officer under whom the internee is posted. The scrutiny of record shall be done in an objective way to update the knowledge, skill and aptitude of internee.

10.10.2 The stress during the internship training shall be on case taking, evaluation of symptoms, nosological and miasmatic diagnostic analysis, repertorisation and management of sick people based on principles of Homoeopathy. Weekly seminars shall be conducted where interns in rotation are given, a chance to present their cases for discussion, and, concerned teachers/ R.M.O. shall assess performance of each of interns.

10.10.3 Rotation of intern-students shall be as under:

10.10.3.1 Practice of Medicine- 8 months wherein internee will be rotated in each Psychology, Respiratory, Gastro-intestinal,

Endocrinology, Skin and V.D., Locomotor, Cardiology, Paediatrics sections.

10.10.3.2 Surgery - 1 month

10.10.3.3 Obstetrics & Gynaecology - 2 months (1 month each (including Reproductive & child health care))

10.10.3.4 Community medicine (including PHC/ CHC) - 1 month

10.10.4 Each internee shall be exposed to clinicopathology work to acquire skill in taking samples and doing routine blood-examination, blood smear for parasites, sputum examination,urine and stool examination. Students shall be trained to correlate laboratory findings with diagnosis and management of sick people.

10.10.5 Each internee shall be given opportunities to learn the diagnostic techniques like x-rays, Ultrasonography, E.C.G., Spirometer and other forthcoming techniques and co-relate their findings with diagnosis and management of cases.

10.10.6 Each internee students shall be given adequate knowledge about issuing of medico-legal certificates including medical and fitness certificates, death certificates, birth certificates, court producers and all of such legislation's be discussed which were taught in curriculum of Forensic Medicine.

10.10.7 Each internee shall maintain records of 40 actual and 25 chronic cases complete in all manner including follow up in Practice of Medicine, record of 5 antenatal check-up and 3 delivery cases attended by him/ her in Department of Obstetrics and 3 cases of Gynaecology, records of 5 surgical cases assisted by him (and demonstrational knowledge of dressings) in Surgery department, and records of knowledge gained in Primary Health Centres, Community Health Centres, various health programmes.

10.10.8 It shall be compulsory for each intern-student to prove at least one drug during the Period of internship.

10.10.9 Each internee shall be given a liberty to choose an elective assignment on any subject, and complete out-put shall be furnished in writing by the internee in respect of selective assignment to the Principal of the College within internship duration.

10.10.10 Each intern shall be posted on duty in such a manner that each of them attend at least 15 days in O.P.D. and 15 days in I.P.D. at least in each month (except for duty in Community Medicine) and attend the other parts of duty including self-preparation in Library.

10.10.11 Each intern-student shall be made to learn importance of maintaining statistics and records, intern-student shall also be familiarized with research-methodology.

10.10.12 Each internee shall have not less than 80% of attendance during the internship training.

10.10.13 Each internee shall be on duty of at least 6 hrs. per day during the compulsory internship training.

NOTE:- However any changes if notified through Regulation by the Central Council of Homoeopathy, the provision of the above clause shall be modified to the extent.

11.0 **AWARD OF DEGREE**

A student shall be awarded a degree if:

11.1 If he has successfully passed the final B.H.M.S. examination, held at the end of 4 1/2 years and completed one year of compulsory rotatory internship after passing the final examination, as prescribed.

11.2 There are no dues outstanding in his/her name to the University/ Institution: and

11.3 No disciplinary action is pending against him/her

12.0 The Fees of this Course shall be as decided by the Board of Management of the University and after the approval of M.P. Private University Regulatory Commission.

13.0 The medium of Instruction and Examination shall be English

ORDINANCE NO.62

BACHELOR OF MEDICINE AND BACHELOR OF SURGERY(M.B.B.S.)

AIMS & OBJECTIVES

1.1 AIMS

1.1.1 Graduate medical curriculum is oriented towards training students to undertake the responsibilities of a physician of first contact who is capable of looking after the preventive, promotive, curative & rehabilitative aspect of medicine.

1.1.2 With wide range of career opportunities available today, a graduate has a wide choice of career opportunities. The training, though broad based and flexible shall aim to provide an educational experience of the essentia [^required for health care in our country. Training is designed to meet internationally acceptable standards.

1.1.3 To undertake the responsibilities of service situations which is a changing condition and of various types, it is essential to provide adequate placement training tailored to the needs of such services as to enable the graduates to become effective instruments of implementation of those requirements. To avail of opportunities and be able to conduct professional requirements, the graduate shall endeavour to have acquired basic training in different aspects of medical care.

1.1.4 The importance of the community aspects of health care and of rural health care services is to be recognized. This aspect of education & training of graduates shall be adequately recognized in the prescribed curriculum. Its importance has been systematically upgraded over the past years and adequate exposure to such experiences should be available throughout all the three phases of education & training. This has to be further emphasized and intensified by providing exposure to field practice areas and training during the intership period. The aim of the period of rural training during internship is to enable the fresh graduates to function efficiently under such settings.

1.1.5 The educational experience shall emphasize health and community orientation instead of only disease and hospital orientation or being-concentrated - on-curative -aspects. As such -all the basic concepts of modern scientific medical education *are* to be adequately dealt with.

1.1.6 There, must be enough experiences to be provided for self learning. The methods and techniques that would ensure this must become a part of teaching-learning process.

1.1.7 The medical graduate of modern scientific medicine shall endeavour to become capable of functioning independently in both urban or rural environment. He/she shall endeavour to give emphasis on fundamental aspects of the subjects taught and on common problems of health and disease avoiding unnecessary details of specialization.

1.1.8 The importance of social factors in relation to the problem of health and diseases shall receive proper emphasis throughout the course and to achieve this purpose, the educational process shall also be community based than only hospital based. The importance of population control and family welfare planning shall be emphasized throughout the period of training with the importance of health and development duly emphasized.

1.1.9 Adequate emphasis is to be placed on cultivating logical and scientific habits of thought, clarity of expression and independence of judgment, ability to collect and analyse information and to correlate them.

1.1.10 The educational process shall be placed in a historic background as an evolving process and not merely as an acquisition of a large number of disjointed facts without a proper perspective. The history of Medicine with reference to the evolution of medical knowledge both in this country and the rest of the world shall form a part of this process.

1.1.11 Lectures alone are generally not adequate as a method of training and are a poor means of transferring/acquiring information and even less effective at skill development and in generating the appropriate attitudes. Every effort shall be made to encourage the use of active methods related to demonstration and on first hand experience. Students will be encouraged to learn in small groups, through peer interactions so as to gain maximal experience through contacts with patients and the communities in which they live. While the curriculum objectives often refer to areas of knowledge or science, they are best taught in a setting of clinical relevance and hands on experience for students who assimilate and make this knowledge a part of their own working skills.

1.1.12 The graduate medical education in clinical subjects shall be based primarily on out-patient teaching, emergency departments and within the community including peripheral health care institutions. The out-patient departments shall be suitably planned to provide training to graduates in small groups.

1.1.13 Clinics shall be organised in small groups of preferably not more than 10 students so that a teacher can give personal attention to each student with a view to improve his skill and competence in handling of the patients.

1.1.14 Proper records of the work shall be maintained which will form the basis for the students' internal assessment and shall be

available to the inspectors at the time of inspection of the college by the Medical Council of India.

1.1.15 Maximal efforts shall be made to encourage integrated teaching between traditional subject areas using a problem based learning approach starting with clinical or community cases and exploring the relevance of various preclinical disciplines in both understanding and resolution of the problem. Every attempt shall be made to de-emphasize compartmentalisation of disciplines so as to achieve both horizontal and vertical integration in different phases.

1.1.16 Every attempt shall be made to encourage students to participate in group discussions and seminars to enable them to develop personality, character, expression and other faculties which are necessary for a medical graduate to function either in solo practice or as a team leader when he begins his independent career. A discussion group shall not have more than 20 students.

11.17 Faculty member shall avail modern educational technology while teaching the students and to attain this objective, Medical Education Units/ Departments shall be established in the medical college for faculty development and providing learning resource material to teachers.

1.1.18 To derive maximum advantage out of this revised curriculum, the vacation period to students in one calendar year shall not exceed one month, during the 4 *Vz* years Bachelor of Medicine and Bachelor of Surgery (MBBS) Course.

1.1.19 Institution shall insure that adequate financial and technical inputs are provided.

1.1.20 History of Medicine the students will be given an outline on History of Medicine. This will be taught in an integrated manner by subject specialists and will be coordinated by the Medical Education Unit of the Institution.

1.1.21 The Institution shall have a curriculum committee which would plan curricula and instructional method which will be regularly updated.

11.22 Integration of ICT in learning process will be implemented.

OBJECTIVES

At the end of undergraduate program, the medical student should be able to:

1.2.1 Recognize health for air as a national goal and health right of all citizens and by undergoing training for medical profession fulfill his/her social obligations towards realization of this goal.

12.2 Learn every aspect of National policies on health and devote himself/herself to its practical implementation.

12.3 Achieve competence in practice of holistic medicine, encompassing promotive, preventive, curative and rehabiiitative aspects of common diseases.

1.2.4 Develop scientific temper, acquire educational experience for proficiency in profession and promote healthy living.

1.2.5 Become exemplary citizen by observation of medical ethics and fulfilling social and professional obligations, so as to respond to national aspirations.

1.2.6 Be competent in diagnosis and management of common health problems of the individual and the community, commensurate with his/her position as a member of the health team at the primary, secondary or tertiary levels, using his/her clinical skills based on history, physical examination and relevant investigations.

1.2.7 Be competent to practice preventive, promotive, curative and rehabilitative medicine in respect to the commonly encountered health problems.

1.2.8 Appreciate rationale for different therapeutic modalities; be familiar with the administration of the "essential drugs" and their common side effects.

1.2.9 Be able to appreciate the socio-psychological, cultural, economic and environmental factors affecting health and develop humane attitude towards the patients in discharging one's professional responsibilities.

1.2.10 Possess the attitude for continued self learning and to seek further expertise or to pursue research in any chosen area of medicine.

1.2.11 Possess the attitude for continued self learning and to seek further expertise or to pursue research in any chosen area of medicine, action research and documentation skills.

1.2.12 Be familiar with the basic factors which are essential for the implementation of the National Health Programmes including practical aspects of the following:

-- Family Welfare and Material and Child Heaith(MCH)
- Sanitation and water supply
- Prevention and control of communicable and non-communicable diseases
- Immunization
-- Health Education
-- IPHS standard of health at various level of service delivery, medical waste disposal.
- Organizational institutional arrangements.

1.2.13 Acquire basic management skills in the area of human resources, materials and resource management related to health care delivery, "General and hospital management principal inventory skills and counseling.

1.2.14 Be able to identify community health problems and learn to work to resolve these by designing, instituting corrective steps and evaluating outcome of such measures.

1.2.15 Be able to work as a leading partner in health care teams and acquire proficiency in communication skills.

1.2.16 Be competent to work in a variety of health care settings.

1.2.17 Have personal characteristics and attitudes required for professional life such as personal integrity, sense of responsibility and dependability and ability to relate to or show concern for other individuals.

1.2.18 All efforts must be made to equip the medical graduate to acquire the practical skills.

COURSE STRUCTURE

2.1 TRAINING PERIOD AND TIME DISTRIBUTION

2.1.1 Every student shall undergo a period of certified study extending over 4 1/4 academic years divided into 9 semesters,(i.e. of 6 months each) from the date of commencement of his study for the subjects comprising the medical curriculum to the date of completion of the examination and followed by one year compulsory rotating internship. Each semester will consist of approximately 120 teaching days of 8 hours each college working time, including one hour of lunch.

2.12 The period of 4 !4 years is divided into three phases as follows --

2.1.2.1 Phase-1(two semesters) - consisting of Pre-clinical subjects (Human Anatomy, Physiology including Bio-Physics, Bio- chemistry and introduction to Community Medicine including Humanities). Besides 60 hours for introduction to Community Medicine including Humanities, rest of the time shall be somewhat equally divided between Anatomy and Physiology plus Biochemistry combined (Physiology 2/3 & Biochemistry 1/3).

2.1.2.2 **Phase-II** (3 semesters) - consisting of para-clinical/ clinical subjects. During this phase teaching of para-clinical and clinical subjects shall be done concurrently. The para-clinical subjects shall consist of Pathology, Pharmacology, Microbiology, Forensic Medicine including Toxicology and part of Community Medicine.

The clinical subjects shall consist of all those detailed below in Phase III. Out of the time for Para-clinical teaching approximately equal time be allotted to Pathology, Pharmacology, Microbiology and Forensic Medicine and Community Medicine combined (1/3 Forensic Medicine & 2/3 Community Medicine). See Appendix-C.

2.1.2.3 **Phase-III** (Continuation of study of clinical subjects for seven semesters after passing Phase-I)
The clinical subjects to be taught during Phase II & III are Medicine and its allied specialties, Surgery and its allied specialties, Obstetrics and Gynaecology and Community Medicine.

Besides clinical posting as per schedule mentioned herewith, rest of the teaching hours be divided for didactic lectures, demonstrations, seminars, group discussions etc. in various subjects. The time distribution shall be as per Appendix-C.

The Medicine and its allied specialties training will include General Medicine, Paediatrics, Tuberculosis and Chest, Skin and Sexually Transmitted Diseases, Psychiatry, Radio-diagnosis, Infectious diseases etc. The Surgery and its allied specialties training will include General Surgery, Orthopaedic Surgery including Physio-therapy and

Rehabilitation, Ophthalmology, Otorhinolaryngology, Anaesthesia, Dentistry, Radio-therapy etc. The Obstetrics & Gynaecology training will include family medicine, family welfare planning etc.

The first 2 semester (approximately 240 teaching days) shall be occupied in the Phase I (Pre-clinical) subjects and introduction to a broader understanding of the perspectives of medical education leading to delivery of health care. No student shall be permitted to join the Phase II (Para-clinical/clinical) group of subjects until he has passed in all the Phase I (Pre-clinical subjects).

After passing pre-clinical subjects, 1 *V** year (3 semesters) shall be devoted to para-clinical subjects. Phase II will be devoted to para-clinical & clinical subjects, along with clinical postings. During clinical phase (Phase III) pre-clinical and para-clinical teaching will be integrated into the teaching of clinical subjects where relevant.

Didactic lectures shall not exceed one third of the time schedule; two third schedule shall include practicals, clinicals or/and group discussions. Learning process shall include living experiences, problem oriented approach, case studies and community health care activities.

The University shall organize admission timings and admission process in such a way that teaching in first semester starts by 1st of August each year.

Supplementary examination shall be conducted within 6 months. The students who pass the supplementary examination shall be allowed to appear in the second professional MBBS examination only after he/she completes the full course of study of three semesters (i.e. 18 months) for the second professional MBBS examination,

PHASE DISTRIBUTION AND TIMING OF EXAMINATION :-

6 MONTHS	6 MONTHS	6 MONTHS
1	2	
3	4	5
6	7	
8	9	

I Professional examination (during second semester)
II Professional examination (during fifth semester)
III Professional Part I (during 7th semester)
III Professional Part II (Final Professional).

1 Passing in I[st] Professional is Compulsory before 'proceeding to Phase II training.

2.2.2 A student who fails in the IInd professional examination, shall not be allowed to appear IIIrd Professional Part I examination unless he passes all subjects of IInd Professional examination.

2.2.3 Passing in IIIrd Professional (Part I) examination is not compulsory before entering for 8th & 9th semester training, however passing of IIIrd Professional (Part I) is compulsory for being eligible for IIIrd Professional (Part II) examination.

2.2.4 During third to ninth semesters, clinical postings of three hours duration daily as specified in the Table below is suggested for various departments, after Introductory Course in Clinical Methods in Medicine & Surgery of two weeks each for the whole class.

TABLE

Total Subject	3TM Semes-ter (Wks)	4*b Semes-ter (Wks)	5TM Semes-ter (Wks)	in Semes-ter (Wks)	7in Semes-ter (Wks)	8tn Semes-ter (Wks)	Semes-ter (Wks)	Total (Wks)
General*** Medicine	6	-	4	-	4	6	6	26
Paediatrics		2	-	2	2	4	-	10
Tuberculosis and Chest Diseases	-	2	-	-	-	-	-	02
Skin & STD	-	2	.	2	.	2	-	06
Psychiatry	-	-	2	-	-	-	-	02
Radiology*	-	-	-	-	2	-	-	02
General **** Surgery	6	-	4	-	4	6	6	26
Orthopaedics**	-	-	4	4	-	-	2	10
Ophthalmology	-	4	-	4	-	-	2	10
" Ear Nose and Throat	-	4	-	4	-	-	-	08
Obstetrics and Gynaecology including Family Welfare Planning	2	4	4		4	4	6	24
Community Medicine	4	4	-	4	-	-	-	12
Casualty	-	-	-	2	-	-	-	02
Dentistry	-	-	.	-	2	-	-	02
Total [in Weeks)		22		22		22	22	142

Clinical methods in Medicine and Surgery for whole class will be for 2 weeks each respectively at the start of 3rd semester

* This posting includes training in Radiodiagnosis and Radiotherapy where existent.

** This posting includes exposure to Rehabilitation and Physiotherapy.

*** This posting includes exposure to laboratory medicine and infectious diseases.

**** This includes maternity training and Family medicine and the 3rd semester posting shall be in Family Welfare\Planning.

2.3 INTERNSHIP

2.3.1 **General** - Internship is a phase of training wherein a graduate is expected to learn methods/modalities for actual practice of medical and health care and acquire skills under supervision so that he/she may become capable of functioning independently.

2.3.2 In order to make trained work force available, it may be considered as a phase of training wherein the graduate is expected to conduct actual practice under «the supervision of a trained doctor. The learning methods and modalities have to be done during the MBBS course itself with larger number of hands on session, practice on simulators including zoes models.

2.3.3 **Specific Objectives**

At the end of the internship training, the student shall be able to:

2.3.3.1 Diagnose clinical common disease conditions encountered in practice and make timely decision for referral to higher level;

2.3.3.2 Use discreetly the essential drugs, infusions, blood or its substitutes and laboratory services.

2.3.3.3 Manage all type of emergencies-medical, surgical obstetric, neonatal and paediatric, by rendering first level care;

2.3.3.4 Demonstrate skills in monitoring of the National Health Programme and schemes, oriented to provide preventive and promotive health care services to the community;

2.3.3.5 Develop leadership qualities to function effectively as a leader of the health team organised to deliver the health and family welfare service in existing socio-ecomic, political and cultural environment;

2.3.3.6 Render services to chronically sick and disabled (both physical and mental) and to communicate effectively with patient and the community.

2.3.4 Time allocation to each discipline is approximate and shall be guided more specifically by the actual experience obtained. Thus a student serving in a district or taluk hospital emergency room may well accumulate skill in surgery, orthopaedics, medicine, obstetrics and Gynaecology and Paediatrics during even a single night on duty. Responsible authorities from the medical college shall adjust the intern experience to maximize intern"s opportunities to practice skills in patient care in rough approximation of the time allocation suggested.

Internship - Time Distribution

2.3.5.1 COMPULSORY	
Community Medicine	2 months
Medicine including 15 days of Psychiatry	2 months
Surgery including 15 days Anaesthesia	2 months
Obst./Gynae. including Family Welfare Planning	2 months
Paediatrics	1 month
Orthopaedics including PMR	1 month
ENT	15 days
Ophthalmology	15 days
Casualty	15 days
2.3.5.2 Elective Posting (1x15 days)	15 days

Subjects for Elective posting will be as follows:
-- Dermatology and Sexually Transmitted Diseases.
- Tuberculosis and Respiratory Diseases.
-- Radio-Diagnosis
-- Forensic Medicine --
Blood Bank
- Psychiatry

Note: Structure internship with college assessment at the end of the internship.

Other Details

2.3.6.1 AH parts of the internship shall be done as far as possible in institutions of India. In case of any difficulties, the matter may be referred to the Medical Council of India to be considered on individual merit.

2.3.6.2 Every candidate will be required after passing the final MBBS examination to undergo compulsory rotational internship to the satisfaction of the College authorities and university for a period of 12 months so as to be eligible for the award of the degree of Bachelor of Medicine and Bachelor of Surgery (MBBS) and full registration.

2.3.6.3 The University shall issue a provisional MBBS pass certificate on passing the final examination.

2.3.6.4 The provisional registration will be for a period of one year. In the event of the shortage or unsatisfactory work, the period of provisional registration and the compulsory rotating internship may be suitably extended by the appropriate authorities.

2.3.6.5 The intern shall be entrusted with clinical responsibilities under direct supervision of senior medical officer. They shaH not be,, working independently.

2.3.6.6 Interns will not issue a medical certificate or a death certificate or a medico-legal document under their signature.

2.3.6.7 Adjustment to enable a candidate to obtain training in elective clinical subjects may be made.

2.3.6.8 One year's approved service in the Armed Forces Medical Services, after passing the final MBBS examination shall be considered as equivalent to the pre-registration training detailed above; such training shall, as far as possible, be at the Base/General Hospital.

2.3.7 **Assessment of Internship**

2.3.7.1 The intern shall maintain a record of work which is to be verified and certified by the medical officer under whom he works. Apart from scrutiny of the record of work, assessment and evaluation of training shall be undertaken by an objective approach using situation tests in knowledge, skills and attitude during and at the end of the training. Based on the record of work and date of evaluation, the Dean/Principal shall issue Certificate of satisfactory comnpletion of training, following which the University shall award the MBBS degree or declare him eligible for it.

2.3.7.2 Satisfactory completion shall be determined on the basis of the following:-

- Proficiency of knowledge required for each case

SCORE 0-5

- The competency in skills expected to manage each case:

a) Competency for performance of self performance,
b) of having assisted in procedures,
c) of having observed.

SCORE 0-5

- Responsibility, punctuality, work up of case, involvement in treatment, follow-up reports.

SCORE 0-5

- Capacity to work in a team (Behaviour with colleagues, nursing staff and relationship with paramedicals).

SCORE 0-5

-- Initiative, participation in discussions, research aptitude.

SCORE 0-5

Poor / Fair / below average / average / above average / excellent
0 1 2 3 4 5

2.3.7.3 A Score of less than 3 in any of above items will represent unsatisfactory completion of internship.

2.3.7.4 Full registration shall only be given by the State Medical Council/Medical Council of India on the award of the MBBS degree by the university or it declaration that the candidate is eligible for it.

3.0 ACADEMIC QUALIFICATION AND SELECTION CRITERIA FOR ADMISSION

3.1 **Eligibility Criteria:** No Candidate shall be allowed to be admitted to the Medical Curriculum proper of first Bachelor of Medicine and Bachelor of Surgery (MBBS) Course until:

3.1.1 He/she shall complete the age of 17 years on or before 31st December of the year of admission to the MBBS Course.

3.1.2 He/she has passed qualifying examination as under:

3.1.2.1 The higher secondary examination or the Indian School Certificate Examination which is equivalent to 10+2 Higher Secondary Examination after a period of 12 years study, the last two years of study comprising of physics, Chemistry, Biology/Bio-technology and Mathematics or any other elective subjects with English at a level not less than the core course for English as prescribed by the National Council for Educational Research and Training after the introduction of the 10+2+3 years educational structure as recommended by the National Committee on education.
Note: Where the course content is not as prescribed for 10+2 education structure of the National Committee, the candidates will have to undergo a period of one year pre-professional training before admission to the Medical colleges.

Or

3.1.2.2 The Intermediate examination in science of an Indian University/Board or other recognized examining body with Physics, Chemistry and Biology/Bio-technology which shall include a practical test in these subjects and also English as a compulsory subject.

Or

3.1.2.3 The pre-professional/pre-medical examination with Physics, Chemistry and Biology/Bio technology, after passing either the higher secondary school examination, or the pre-itoiversity or an equivalent examination. The p\q-Qrofessional/pre-niedical examination shall

include a practical test in Physics, Chemistry & Biology/Bio-technology and also English as a compulsory subject.

Or

3.1.2.4 The first year of the three years degree course of a recognized University, with Physics, Chemistry and Biology/Bio-technology including a practical test in these subjects provided the examination is a "University Examination" and candidate has passed 10+2 with English at a level not less than a core course.

Or

3.1.2.5 B.Sc examination of an Indian University, provided that he/she has passed the B.Sc examination with not less than two of the following subjects Physics, Chemistry, Biology(Botany, Zoology)/Bio-technology and further that he/she has passed the earlier qualifying examination with the following subjects - Physics, Chemistry, Biology/Bio technology and English.

Or

3.1.2.6 Any other examination which, in scope and standard is found to be equivalent to the intermediate science examination of an Indian University/Board, taking Physics, Chemistry and Biology/Bio-technology including practical test in each of these subjects and English.

Note:

The pre-medical course may be conducted either at Medical College or a Science College.
Marks obtained in mathematics are not to be considered for admission to MBBS course.
After the 10+2 course is introduced, the integrated courses should be abolished.

3.2 Selection of Students: The admission procedure as prescribed by Medical Education department, Government of M.P. and other Regulatory State & Central bodies for professional Course will be followed. Students for M. B. B. S. course shall be selected strictly on the basis of their academic MERIT as decided by Govt. of M.P. and related Regulatory body.

In case the merit list of competitive entrance examination is exhausted and seats are still available, the remaining vacant seats are shall be filled up on the basis of National/ State level/College level test as decided by the Regulatory.

No. of Seats for MBBS Course shall be such as approved by Medical Council of India/ Govt. of India

3.2.1 Procedure for selection to MBBS course shall be as follows :-

3.2.1.1 A candidate must have passed in the subjects of Physics, Chemistry, Biology/Bio-technology and English individually and must have obtained a mjnimum of 50% marks taken together in Physics, Chemistry & Biology/Bio-technology at 1he qualifying examination and in addition must

have come in the merit list prepared as a result of such competitive entrance examination by securing not less than 50% marks in Physics, Chemistry and Biology/Bio-technology taken together in the competitive examination.

3.2.1.2 In respect of candidates belonging to Scheduled Castes, Scheduled Tribes or other Backward Classes the marks obtained in Physics, Chemistry and Biology/Bio-technology taken together in qualifying examination and competitive entrance examination be 40% instead of 50% as stated above.

3.2.1.3 Provided that a candidate who has appeared in the qualifying examination the result of which has not been declared, he may be provisionally permitted to take up the competitive entrance examination and in case of selection for admission to the MBBS course, he shall not be admitted to that course until he fulfils the eligibility criteria.

3.2.1.4 Provided that the eligibility criteria for admission to persons with iocomotory disability of lower limbs will be a minimum of 45% marks instead of 50% taken together in qualifying examination and competitive entrance examination for admission in MBBS course.

3.3 Migration

3.3.1 Migration from one medical college to other is not a right of a student. However, migration of students from one medical college to another medical college in India may be considered as per norms laid down by the Medical Council of India, provided following criteria are fulfilled. Routine migrations on other grounds shall not be allowed.

3.3.2 Both the colleges, i.e. one at which the student is studying at present and one to which migration is sought, are recognised by the Medical Council of India.

3.3.3 The applicant candidate should have passed first professional MBBS examination.

3.3.4 The applicant candidate submits his application for migration, complete in all respects, to all authorities concerned within a period of one month of passing (declaration of results) the first professional Bachelor of Medicine and Bachelor of Surgery (MBBS) examination.

3.3.5 The applicant candidate must submit an affidavit stating that he/she will pursue 18 months of prescribed study before appearing at IInd professional Bachelor of Medicine and

Bachelor of Surgery (MBBS) examination at the transferee medical college, which should be duly certified by the Registrar of the concerned University in which he/she is seeking transfer. The transfer will be applicable only after receipt of the affidavit.

3.3.6 Migration during clinical course of study shall not be allowed on any ground.

3.3.7 All applications for migration shall be referred to Medical Council of India by college authorities. The Institution / University shall not allow migrations directly without the approval of the Council. Council reserves the right, not to entertain any application which is not under the prescribed compassionate grounds and also to take independent decisions where applicant has been allowed to migrate without referring the same to the Council.

3.3.8 Compassionate grounds criteria for migration as laid down by MCI-

3.3.8.1 Death of a supporting guardian.

3.3.8.2 Illness of the candidate causing disability.

3.3.8.3 Disturbed conditions as declared by Government in the Medical College area.

3.3.9 Migration of students from one medical college to another medical college may be granted on any genuine ground subject to the availability of vacancy in the college where migration is sought and fulfilling the other requirements laid down in the Regulations. Migration would be restricted to 5% of the sanctioned intake of the college during the year. No migration will be permitted on any ground from one medical college to another located within the same city.

3.3.10 Migration of students from one College to another is permissible only if both the colleges are recognized by the Central Government under section 11(2) of the Indian Medical Council Act, 1956 and further subject to the condition that it shall not result in increase in the sanctioned intake capacity for the academic year concerned in respect of the receiving medical college.

3.3.11 The applicant candidate shall be eligible to apply for migration only after qualifying in the first professional MBBS examination. Migration during clinical course of study shall not be allowed on any ground.

3.3.12 For the purpose of migration an applicant candidate shall first obtain "No Objection Certificate" from the college where he is studying for the present and the university to which that college is affiliated. and also from the college to which the migration is sought and the university to it that college is affiliated. He/She shall submit his application for migration within a period of 1

within a period of 1 month of passing (Declaration of result of the 1st Professional MBBS examination) along with the above cited four "No Objection Certificates" to: (a) the Director of Medical Education of the State, if migration is sought from one college to another within the same State or (b) the Medical Council of India, if the migration is sought from one college to another located outside the State.

3.3.13 A student who has joined another college on migration shall be eligible to appear in the IInd professional MBBS examination only after attaining the minimum attendance in that college in the subjects, lectures, seminars etc. required for appearing in the examination prescribed under Regulation 12(1)

Note-1: The RKDF University /Institutions shall frame appropriate guidelines for grant of No Objection Certificate or migration, as the case may be, to the students subject to provisions of these regulations.

Note-2 : Any request for migration not covered under the provisions of these Regulations shall be referred to the Medical Council of India for consideration on individual merits by the Director (Medical Education) of the State or the Head of Central Government Institution concerned. The decision taken by the Council on such requests shall be final.

Note-3: The Institution shall send intimation to the Medical Council of India about the number of students admitted by them on migration within one month of their joining. It shall be open to the Council to undertake verification of the compliance of the provisions of the regulations governing migration by the Colleges at any point of time.

COMMENCEMENT OF COURSE

4.1 The M.B.B.S. course shall commence with effect from 1st August of respective year or as per prevailing rules.

4.2 The last date up to which students can be admitted against vacancies arising due to any reason shall be 30th September of respective year or as per prevailing rules.

REGULATION RELATING TO ASSESSMENT OF ACADEMIC GROWTH OF STUDENTS

5.1 Examination Regulations - Essentialities for qualifying to appear in professional examinations. The performance in essential components of training are to be assessed, based on:

month of passing (Declaration of result of the 1st Professional MBBS examination) along with the above cited four "No Objection Certificates" to: (a) the Director of Medical Education of the State, if migration is sought from one college to another within the same State or (b) the Medical Council of India, if the migration is sought from one college to another located outside the State.

3.3.13 A student who has joined another college on migration shall be eligible to appear in the IInd professional MBBS examination only after attaining the minimum attendance in that college in the subjects, lectures, seminars etc. required for appearing in the examination prescribed under Regulation 12(1)

Note-1: The RKDF University /Institutions shall frame appropriate guidelines for grant of No Objection Certificate or migration, as the case may be, to the students subject to provisions of these regulations.

Note-2 : Any request for migration not covered under the provisions of these Regulations shall be referred to the Medical Council of India for consideration on individual merits by the Director (Medical Education) of the State or the Head of Central Government Institution concerned. The decision taken by the Council on such requests shall be final.

Note-3: The Institution shall send intimation to the Medical Council of India about the number of students admitted by them on migration within one month of their joining. It shall be open to the Council to undertake verification of the compliance of the provisions of the regulations governing migration by the Colleges at any point of time.

COMMENCEMENT OF COURSE

4.1 The M.B.B.S. course shall commence with effect from 1st August of respective year.

4.2 The last date up to which students can be admitted against vacancies arising due to any reason shall be 30th September of respective year.

REGULATION RELATING TO ASSESSMENT OF ACADEMIC GROWTH OF STUDENTS

5.1 Examination Regulations - Essentialities for qualifying to appear in professional examinations. The performance in essential components of training are to ba assessed, based on:

5.1.1 Attendance

75% attendance in a subject for appearing in the examination is compulsory inclusive of attendance in non-lecture teaching i.e. seminars, group discussions, tutorials, demonstrations, practicals, hospital (Teritary Secondary, Primary) posting and bed side clinics etc,

5.1.2 Internal Assessment

5.1.2.1 It shall be based on day to day assessment (see note), evaluation of student assignment, preparation for seminar, clinical case presentation etc.:

5.1.2.2 Regular periodical examinations shall be conducted throughout the course. The questions of number of examinations shall be decided by the Institutions.

5.1.2.3 Day to day records shall be given importance during internal assessment

5.1.2.4 Weightage for the internal assessment shall be 20% of the total marks in each subject.

5.1.2.5 Student must secure at least 35% marks of the total marks fixed for internal assessment in a particular subject in order to be eligible to appear in final university examination of that subject.

5.1.2.6 Internal assessment shall relate to different ways in which students participation in learning participation in learning process during semesters in evaluated. Some examples are as follows:

Preparation of subject for students seminar.
Preparation of a clinical case for discussion.
Clinical case study/problem solving exercise.
Participation in Project for health care in the community (planning stage to evaluation).
Proficiency in carrying out a practical or a skill in small research project.
Multiple choice questions (MCQ) test after completion of a system/teaching.

Each item tested shall be objectively assessed and recorded. Some of the items can be assigned as Home work/Vacation work.

6.0 APPOINTMENT OF EXAMINERS

6.1 No person shall be appointed as an examiner in any of the subjects of the Professional examination leading to and including the final Professional examinations for the award of the MBBS degree unless he has taken atleast five years previously, a doctorate degree of a recognized university or an equivalent qualification in the particular subject as per recommendation of the Council on teachersD eligibility qualifications and has had at least five years of total teaching experience in the subject concerned in a college affiliated to a recognized university at a faculty position.

6.2 There shall be at least four examiners for 100 students, out of whom not less than 50% must be external examiners. Of the four examiners, the senior most internal examiner will act as the Chairman and co-ordinator of the whole examination programme so that uniformity in the matter of assessment of candidates is maintained. Where candidates appearing are more than 100, one additional examiner, for every additional 50 or part thereof candidates appearing, be appointed.

6.3 Non medical scientists engaged in the teaching of medical students as whole time teachers, may be appointed examiners in their concerned subjects provided they possess requisite doctorate qualifications and five year teaching experience of medical students after obtaining their postgraduate qualifications. Provided further that the 50% of the examiners (Internal & External) are from the medical qualification stream.

6.4 External examiners shall not be from the same university and preferably be from outside the state.

6.5 The internal examiner in a subject shall not accept external examinership for a college from which external examiner is appointed in his subject.

6.6 External examiners shall rotate at an interval of 2 years.

6.7 There shall be a Chairman of the Board of paper-setters who shall be an internal examiner and shall moderate the questions.

6.8 Except Head of the department of subject concerned in a college/institution, all other with the rank of reader or equivalent and above with requisite qualifications and experience shall be appointed internal examiners by rotation in their subjects; provided that where there are no posts of readers, then an Assistant Professor of 5 years standing as Assistant Professor may be considered for appointment as examiner.

7.0 UNIVERSITY EXAMINATIONS: THEORY AND PRACTICAL

7.1 Theory papers will be prepared by the examiners as prescribed. Nature of questions will be short answer type/objective type and marks for each part indicated separately. Question papers should, preferably be of short structure/objective type.

7.2 Practicais/clinicals will be conducted in the laboratories or hospital wards. The objective will be to assess proficiency in skills, conduct of experiment, interpretation of data and logical conclusion. Clinical cases should preferably include common diseases and not esoteric syndromes or rare disorders. Emphasis should be on candidate's capability in eliciting physical signs and their interpretation. Clinical cases/practical's shall take into account common diseases which the student is likely to come in contact in practice. Rare cases/obscure syndromes, long cases of neurology shall not- be put for final examination

7.3 Viva/oral includes evaluation of management approach and handling of emergencies. Candidates skill in interpretation of common investigative data, x-rays, identification of specimens, ECG etc. also is to be evaluated.

7.4 The examinations are to be designed with a view to ascertain whether the candidate has acquired the necessary for knowledge, minimum skills along with clear concepts of the fundamentals which are necessary for him to carry out his professional day to day work competently. Evaluation will be carried out on an objective basis.

7.5 Question papers should preferably be of short structure/objective type.

7.6 Clinical cases/practicals shall take into account common diseases which the student is likely to come in contact in practice. Rare cases/obscure syndromes, long cases of neurology shall not be put for final examination.

7.7 During evaluation it shall be ascertained if the candidate has acquired the desired practical skills.

7.8 There shall be one main examination in a year and a supplementary to be held not later than 6 months after the publication of its results. Universities Examinations shall beheld as under:-

7.8.1 First Professional:-
In the second Semester of Phase 1 training, in the subjects of Anatomy, Physiology and Bio-Chemistry.

7.8.2 Second Professional:-
In the Fifth Semester of Phase II training, in the subjects of Pathology, Microbiology, Pharmacy and Forensic Medicine.

7.8.3 Third Profesional ;-
Part I- in the Seventh Semester of Phase III, in the subjects of Ophthamology, Oto-rhyno-laryngology and Community Medicine.

7.8.4 Third Professional ;-

Part II-(Final Professional) - At the end of Phase III training in the subjects of Medicine, Surgery, Obstetrics & Gynecology and Pediatrics.

Note:

a) Results of University examinations shall be declared before the start of teaching for next semester.

b) Passing in 1st Professional is compulsory before proceeding to Phase II training.

c) A student who fails in the IInd professional examination, should not be allowed to appear IIIrd Professional Part I examination unless he passes allsubjects of IInd Professional examination.

d) Passing in IIIrd Professional (Part-1) is compulsory for being eligible for IIIrd Professional (Part II) examination

Distribution of marks to various disciplines:

7.9.1 First Professional examination:(Pre-clinical Subjects):-

7.9.1. Anatomy:
Theory-Two papers of 50 marks each
(One applied question of 10 marks in each paper)100 marks.
Oral(Viva) 20 marks
Practical 40 marks
Internal Assessment
(Theory-20; Practical-20) 40 marks
Total 200 marks

7.9.1.2 **Physiology including Biophysics**

Theory-Two papers of 50 marks each
(One applied question of 10 marks in each paper) 100 marks
Oral (Viva) 20 marks
Practical 40 marks
Internal Assessment
(Theory-20; Practical-20) 40 marks
Total 200 marks

7.9.1.3 **Biochemistry**

Theory-Two papers of 5.0 marks each
(One applied question of 10 marks in each paper) 100 marks
Oral (Viva) 20 marks
Practical 40 marks
Internal Assessment
(Theory-20; Practical-20) 40 marks
Total 200 marks

7.9.1.4 **Pass:** In each of the subjects, a candidate must obtain 50% in aggregate with a minimum of 50% in Theory including orals and minimum of 50% in Practicals.

7.9.2 Second Professional Examination:
(Para-clinical subjects)

7.9.2.1 **Pathology**

Theory-Two papers of 40 marks each
(One applied question of 10 marks in each paper) 80 marks
Oral (Viva) 15 marks
Practical 25 marks
Internal assessment
(Theory-15; Practical-15) 30 marks
Total 150 marks

7.9.2.2 **Microbiology**

Theory-Two papers of 40 marks each
(One applied question of 10 marks in each paper) 80 marks
Oral (Viva) 15 marks
Practical 25 marks
Internal assessment (Theory-15;
Practical-15) 30 marks Total 150 marks

7.9.2.3 **Pharmacology**

Theory-Two papers of 40 marks each
Containing one question on clinical therapeuics 80 marks
Oral (Viva) 15 marks
Practical 25 marks
Internal assessment
(Theory-15; Practical-15) 30 marks
Total 150 marks

7.9.2.4 **Forensic Medicine**

Theory-one paper 40 marks
Oral (Viva) 10 marks
Practical/Clinicals 30 marks
Internalassessment
(Theory-10; Practical-10) 20 marks
Total 100 marks

7.9.2.5 **Pass:** In each of the subjects, a candidate must obtain 50 % in aggregate with a minimum of 50% in Theory including oral and minimum of 50% in Practicals/clinicals.

7.9.3 **Third Professional - Part I**
To be conducted during end period of seventh semester.

7.9.3.1 **Ophthamology**

Theory : One paper 40 marks
should contain one question on pre-clinical and ara-clinical aspects, of 10 marks) raj (Viva) 10 marks

• Clinical 30 marks Internal assessment 20 marks (Theory-10; Practical-10) Total 100 marks

7.9.3.2 **Oto-Rhino-Laryngology**

Theory:One paper 40 marks
(should contain one question on pre-clinical and para-clinical aspects, of 10 marks)
Oral(Viva) 10 marks
Clinical 30 marks Internal assessment 20 marks
(Theory-10 Practical-10)
Total 100 marks

7.9.3.3 Community Medicine including **Humanities**

Theory : Two papers of 60 marks each 120 marks (includes problem solving, applied aspects of management at primary level including essential drugs, occupational (agro based) diseases, rehabilitation and social aspects of community). Oral (Viva) 10 marks Practical/Project evaluation 30 marks Internal assessment 40 marks (Theory -20; Practical-20) Total 200 marks

7.9.3.4 **Pass:** In each of the subjects a candidate must obtain 50% in aggregate with a minimum of 50% in Theory including orals and minimum of 50% in practicals/clinicals.

7.9.4 Third Professional - Part II

Each paper shall have two sections. Questions requiring essay type answers may be avoided.

7.9.4.1 Medicine

Theory- Two papers of 60 marks each 120 marks
Paper 1- General Medicine
Paper II- General Medicine (including Psychiatry, Dermatology and S.T.D.)
(Shall contain one question on basic sciences and allied subjects)
Oral (Viva) Interpretation of X-ray ECG, etc. 20 marks
Clinical (Bed side) 100 marks
Internal assessment 60 marks
(Theory-30; Practical-30)
Total 300 marks

7.9.4.2 **Surgery**

Theory-Two papers of 60 marks each 120 marks
Paper-1-General Surgery (Section 1)
Orthopaedics (Section 2) Paper II-General Surgery including

Anaesthesiology, Dental diseases and Radiology.
(shall contain one question on basic sciences and allied subjects)
Oral (Viva) Interpretation of Investigative data 20 marks
Clinical (Bed Side) 100 marks
Internal assessment 60 marks
(Theory-30; Practical-30) 60 marks
Total 300 marks
Paper 1 of Surgery shall have one section in Orthopaedics. The questions on Orthopaedic Surgery be set and assessed by examiners who are teachers in the Orthopaedic surgery.

7.9.4.3 **Obstetrics and Gynaecology**

Theory Two papers of 40 marks each 80 marks
Paper I- Obstetrics including social obstetrics.
Paper II - Gynaecology, Family Welfare and Demography
(Shall contain one question on basic sciences and allied subjects)
Oral (Viva) including record of delivery cases(20+10) 30 marks
Clinical 50 marks
Internal assessment
(Theory-20; Practical-20) total 40 marks
Total 200 marks

7.9.4.4 **Pediatrics: (Including Neonatology)**

Theory: One paper 40 marks
(Shall contain one question on basic sciences and allied subjects)
Oral (Viva) 10 marks
Clinical 30 marks
Internal assessment 20 marks
(Theory-10; Practical-10)
Total 100 marks

7.9.4.5 Pass: In each of the subjects a candidate must obtain 50% in aggregate with a minimum of 50% in Theory including orals and minimum of 50% in Practicals/clinicals.

7.10 **Criteria for passing**

7.10.1 Results of University examinations shall be declared before the start of teaching for next semester.

7.10.2 Passing in 1st Professional is compulsory before proceeding to Phase II training.

7.10.3 A student who fails in the IInd professional examination, should not be allowed to appear IIIrd Professional Part I examination unless he passes all subjects of IInd Professional examination.

7.10.4 Passing in IIIrd Professional (Part-1) is compulsory for being eligible for IIird Professional (Part II) examination

7.11 Division and Merit list

7.11.1 The division shall be awarded only after 3rd part II university examination and shall be based on the aggregate marks obtained by the candidate at his /her successful attempts at the 1st, 2nd, 3rd part I and 3rd part II M.B.B.S. University examinations. There shall be only three divisions as follows—

– 1st division with honors		75 % and above
- 1st division	:	60 % and above but below 75%
– 2nd division	:	50 % and above but below 60%

7.11.2 The merit shall be declared by the university after the declaration of result of 3rd Part II M.B.B.S. university examination on the basis of the integrated performance of all the four M.B.B.S. university examinations. The merit list shall include first 10 candidates securing at least 1st division and passing all M.B.B.S. university examination in first attempts with all subjects taken together.

7.12 Condonation of deficiency in marks

7.12.1 The grace marks up to a maximum of five marks may be awarded at the discretion of the University to a student who has failed only in one subject but has passed in all other subjects.

7.12.2 After condonation of marks the result of the concerned M.B.B.S. university examination shall be declared as " Pass by condonation" or "Pass by grace".

8.0 REVALUATION / RE-TOTALING

8.1 Re-totaling-The university on application and remittance of stipulated fees as prescribed by the university shall permit a recounting or opportunity to recount the marks received for various questions in an answer paper/papers for theory of all subject for which a candidate has appeared in the university examination. Any error in addition of marks awarded, if identified shall be suitably rectified.

8.2 Revaluation- Revaluation of theory papers in all years of study of the M.B.B.S. course shall be permissible by the university on application and remittance of the prescribed fees within the stipulated time. Such answer scripts shall be reevaluated by not less than two duly qualified examiners and the average obtained shall be awarded to the candidate and the result reconsidered accordingly.

9.0 CANCELLATION OF ADMISSION

9.1 The admission of the student at any stage of the study shall be cancelled by the Vice Chancellor based on the recommendation of the head of the institution if:

9.1.1 He/ She is not found to be qualified or eligible as per MCI norms and guidelines.

9.1.2 He/She is found to have produced false / forged documents or found to have used unfair means to secure admission.

9.1.3 He/ she is found to be involved in serious breach of discipline in the restitution or the university campus.

APPENDIX-A

Prescribed Teaching Hours :-

Following minimum teaching hours are prescribed in various disciplines;

A. **Pre-Clinical Subjects** (Phase-1 -First and Second Semester)

Anatomy Physiology	650 Hrs.
Biochemistry	480 Hrs.
Community Medicine	240 Hrs.
	60 Hrs.

Para-Clinical Subjects

Pathology	(Phase-II-5th to 7th Semester)
Pharmacology	300 Hrs. 300 Hrs. 250 Hrs.
Microbiology	200 Hrs.
Community Medicine	(including 8 weeks postings of 3 hrs each)
	100 Hrs.
Forensic Medicine	

Teaching of para-clinical subjects shall be 4 hrs per day in 3rd Hrs Semester and 3Hrs per day in 4th and 5th Semesters (See attached Time Table)

Clinical Subjects

Clinical postings as per chart attached.
Theory lectures, demonstrations and Seminars etc.in addition to clinical postings as under. The clinical lectures to be held from 4th Semester onwards (See attached Time Table)

Gen-Medicine	300 Hours
Gen. Surgery	300 Hours
Paediatrics	100 Hours
Orhopedics	100 Hours
T.B. and Chest	20 Hours
Ophthalmology	100 Hours
Psychiatry	20 Hours
ENT	70 Hours
Skin and STD	30 Hours
Radiology	20 Hours
Community Medicine	50 Hours
Dentistry	10 Hours
Anaesthesia	20 Hours
Obst&Gynae.	300 Hours

Note

This period of training is minimum suggested.

Adjustments where required depending on availability of time shall be made.

This period of training does not include university examination period.

Extra time available be devoted to other Sub-specialities.

Clinical methods in Medicine and Surgery for whole class will be for 2 weeks each respectively at the start of 3rd semsester.

This posting shall include training in Radiodiagnosis.

This posting includes exposure to Rehabilitation Physiotherapy- —

This posting includes exposure to laboratory medicine and infectious diseases.

This posting includes exposure to dressing and Anesthesia.

This includes materr\jty training and Family medicine and the 3rd semester posting shall be in Fairly Welfare Plannin

Established Under M.P. Act No. 17 of 2007

ORDINANCE NO.63

Paramedical Courses

The Ordinance is applicable to students admitted in Paramedical Courses

1.0 Aims & Objective

1.1 To promote, encourage propagate the science of Para Medical Technology, to educate and train people in Para Medical Science.

1.2 To establish Paramedical Courses as per guidelines of M.P. Para Medical Council after getting done permission from Medical Education Department, Govt. of M.P.

1.3 To held examination of Paramedical courses and to provide proficiency certificate diploma who qualify the examination.

2.0 COURSES NAME,STRUCTURE, PERIOD,.DURATION

S.No	COURSES	PERIOD	DURATION
1.	Laboratory Technician		
	(a) Pathology	Certificate	1 Year
	(b) Anesthesia	Diploma	2 Year
	(c) Respiratory Technician	Certificate	1 Year
2.	(a) CT MRI Technician	Certificate	1 Year
	(b) X-Ray Radiographer Technician	Diploma	2 Year
3.	ECG Technician	Certificate	1 Year
4.	Ultra Sound Technician	Certificate	1 Year
5.	Operation Theatre Technician	Certificate	1 Year
6.	Dialysis Technician	Certificate	1 Year
7.	Health Inspector	Certificate	1 Year
8.	Hospital Medical Record Science	Certificate	1 Year
9.	Compounder (Allopath)	Diploma	2 Years
	Compounder (Ayurvedic)	Certificate	1 Year
10.	Compounder (Homeopathy & Biochemy)	Certificate	1 Year
11.	Pathology	Diploma	2 Years
12.	D.Pharma (AYURVEDIC)	Diploma	2 Years
13.	Multipurpose Health Worker	Certificate	1 Year

1.1 Each academic year shall consist of 180 teaching days.

1.2 The Student admitted in above courses shall have to complete the course within the maximum permissible duration of 4 years for 2 years course and 2 years for 1 year course from the date of admission

2.0 SELECTION CRITERIA FOR ADMISSION

2.1 Eligibility Criteria: Admission to the First year in above courses shall be as per guideline by M.P. Paramedical Council .

2.2 The candidate should have completed minimum of 17 years of age on/before 31st December of the concerned academic session.

2.3 Selection Criteria: The admission in above First Year shall be based on the merit of the qualifying examination.

Or

Common Entrance Test (CET), conducted by the University/ any designated agency.

2.4 On admission, every candidate Medically fit

2.5 The relaxation for Scheduled Caste/Scheduled Tribe OBC/Physical handicapped the relaxation in eligibility marks shall be as per rules of State/Central Govt. and Regulatory Body

3.0 COMMENCEMENT OF COURSE

The course shall be commencing from the month of August of every academic year.

4.0 REGULATIONS RELATING TO THE ASSESSMENT OF ACADEMIC GROWTH OF THE STUDENT

The assessment of academic growth of the student shall be done on the basis of Three Sessional Examination (conducted during the year) and one University Examination (conducted at the end of the academic year).

The medium of instruction and Examination shall be English/Hindi throughout the course of the study.

5.0 Attendance

5.1 Candidates appearing as regular student for any annual examination are required to attend 75% of the total lecturer's delivered and of the practical classes held separately in each subject of the course of the study.

5.2 The total lecture and practical shall be conducted as per scheme and syllabus given by M.P.Paramedical Council Bhopal.

6.0 University Examination; Theory & Practical Written Examination

The main Examination shall be held on yearly basis and courses structure shall be as per guidelines of M.P. Paramedical Council.

7.0 Appointment of the Examiners/ Question Paper Setters

The appointment of examiner for the University Examination shall be based on following criteria;

7.1 For Theory paper setting and valuation one examiner shall be required, who may be an Internal or External, minimum an Assistant Professor with 3 year teaching experience in the concerned subject.

7.2 For the Practical examinations there shall be two examiners for each subject, one External Examiner and one Internal Examiner, with minimum qualification and experience of an Assistant Professor with 3 year teaching experience in the concern subject.

7.3 The External Examiner shall be the subject expert from outside the University having Master's/ Post Graduate qualification in the concern subject with minimum 3 year teaching experience.

7.4 The faculty of the Subject/ Head of the Department with minimum 3 years of teaching experience shall be the Internal-Cum-Convener examiner for the examinations.

8.0 Compulsory Rotatary Clinical Training

8.1 For above mentioned courses students as per time prescribed by M.P. Paramedical Council Rotatary Clinical Training shall be compulsory as a part of partial completion of the course. The training shall be undertaken in any of medical laboratory attached with minimum 100 bedded hospital.

9.0 CANCELLATION OF ADMISSION

9.1 The admission of a student at any stage of study shall be cancelled by the Vice Chancellor based on recommendation of Head of the Institution, if:

9.1.1 He/She is not found qualified as per MP Paramedical Council norms and guidelines or the eligibility criteria prescribed by the University.

9.1.2 He/ she is found to have produced false/ forged documents or found to have used unfair means to secure admission.

9.1.3 He/She is found involved in serious breach of discipline in the institution or in the University campus.

10.0 The Fees of this Course shall be as decided by the Board of Management of the University and after the approval of M.P. Private University Regulatory Commission.

11.0 The medium of Instruction and Examination shall be English

Ordinance No. 64
Ordinance for Diploma in Engineering (Part Time)

1.0 Four Years Diploma in Engineering (Part Time) Programme

Hereafter referred as Diploma in Engineering/ Technology (Part Time) based four-year (eight-semester) duration, herein after called 4-YDP, shall be designated as Diploma in Engineering (Part Time) in respective Branch.

1.1 This Diploma in Engineering (Part Time) shall include the branches of Applied Videography, Architecture, Cement Technology, Computer Science and Engineering, Costume Design and Dress making, Electronics (Y-Scheme), Electronics & Telecommunication Engineering , Food Technology, Garment Technology, Instrumentation Engineering , Interior Decoration and Design, Information Technology, Metallurgy, Mining and Mine Surveying, Modern Office Management, Opto-Electronics, Production Engineering , Textile Design, Automobile Engineering, Chemical Engineering, Civil Engineering, Construction Technology and Management, Electrical Engineering, Electrical and Electronics Engineering , Mechanical Engineering, Refinery and Petro Chemical, Plastic Technology, Printing Technology, Refrigeration and Air Conditioning Engineering, Textile Technology, Ophthalmic Technology, Architectural Assistantship, Architecture and Interior Design, Electronics and Instrumentation, Film Technology and TV Production, Computer hardware and maintenance.

1.2 The studies and examinations of these Diploma in Engineering (Part Time) programmes shall be on the basis of semester system for 4 academic years spread over eight semesters.

2.0 RULES FOR ADMISSIONS

2.1 Admission procedure as per ordinance No. 2 of RKDF University.

2.2 Minimum Qualification and conditions for admissions will be as per AICTE norms.

2.3 For admission to the first semester of Diploma in Engineering (Part Time) programme, the minimum qualification shall be the passing of high school /10th std/SSC examination scheme conducted by M.P. Board of Secondary Education or an equivalent examination from a recognized Board/University and with minimum of two years full time work experience.

Or

Passed 10th std/SSC Examination with 2 years duration ITI

2.4 Relaxation in Qualifying marks shall be for SC/ST/OBC and minority as per rules of State Govt./ Central Govt. and regulatory bodies

3.0 Examination

3.1 There shall be four years semester pattern examinations, held by the University leading to the Diploma in Engineering (Part Time) in respective branch of Engineering, in the faculty of Engineering & Technology. All the examinations shall be on the semester pattern basis. There shall be one regular examination at the end of each semester conducted by this University, whereby, in each academic year, there shall be two "Semester Examinations". Thus, from First year D.E. (PT)and onwards up to fourth (final) year D.E., (Part-Time) there shall be Eight Semesters i.e. I, II, III, IV, V, VI, VII and VIII each followed by a University examination

3.2 Diploma in Engineering (Part Time) of 4 years course shall be as per the schemes and syllabus approved by the Board of Studies of the University

3.3 The medium of Instruction & Examination shall be English and Hindi.

3.4 Examination Rules shall be as per ordinance No. 5 of RKDF University.

3.5 For a student, maximum duration completion of total course will be eight years.

4.0 RULES FOR ATTENDANCE

Minimum attendance required will be 75% in each semester for appearing in regular exam, provided that a short fall in attendance up to 10% and a further 5% can be condoned by the Principal of the college and Vice- Chancellor of the University respectively for satisfactory and Genuine reasons.

5.0 Fees

As decided by University & after the approval of M.P. Private University Regulatory Commission

6.0 MEDIUM OF INSTRUCTION

The medium of instruction and examination shall be English and Hindi.

7.0 Notwithstanding anything stated in this Ordinance, for any unforeseen issues arising, and not covered by this Ordinance, or in the event of differences of interpretation, the Vice-Chancellor may take a decision after obtaining; if necessary, the opinion / advise of a Committee constituted for the purpose. The decision of the Vice-Chancellor shall be final.

संसद के अधिनियम
विधि और विधायी कार्य विभाग

Bhopal, the 24th February, 2016

No. 3343-42-21-A(Dr.).—The following Act of the Parliament, published in the Gazette of India Extra-ordinary Part II Section 1 dated the 29th December, 2015 is hereby republished for general information. The Bill as passed by the House of Parliament received the assent of the President on 26th December, 2015.

By order and in the name of the Governor of Madhya Pradesh,
RAJESH YADAV, Addl. Secy.

THE NEGOTIABLE INSTRUMENTS (AMENDMENT) ACT, 2015

(As Passed by the Houses of Parliament)

An

Act

further to amend the Negotiable Instruments Act, 1881.

Be it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Negotiable Instruments (Amendment) Act, 2015.

(*2*) It shall be deemed to have come into force on the 15th day of June, 2015.

Amendment of section 6.

26 of 1881.

2. In the Negotiable Instruments Act, 1881 (hereinafter referred to as the principal Act), in section 6,—

(*i*) in *Explanation I*, for clause (*a*), the following clause shall be substituted, namely:—

'(*a*) "a cheque in the electronic form" means a cheque drawn in electronic form by using any computer resource and signed in a secure system with digital signature (with or without biometrics signature) and asymmetric crypto system or with electronic signature, as the case may be;';

(*ii*) after *Explanation II*, the following *Explanation* shall be inserted, namely:—

'*Explanation III.*—For the purposes of this section, the expressions "asymmetric crypto system", "computer resource", "digital signature", "electronic form" and "electronic signature" shall have the same meanings respectively assigned to them in the Information Technology Act, 2000.'. 21 of 2000

Amendment of section 142.

3. In the principal Act, section 142 shall be numbered as sub-section (*1*) thereof and after sub-section (*1*) as so numbered, the following sub-section shall be inserted, namely:—

"(*2*) The offence under section 138 shall be inquired into and tried only by a court within whose local jurisdiction,—

(*a*) if the cheque is delivered for collection through an account, the branch of the bank where the payee or holder in due course, as the case may be, maintains the account, is situated; or

(*b*) if the cheque is presented for payment by the payee or holder in due course, otherwise through an account, the branch of the drawee bank where the drawer maintains the account, is situated.

Explanation.— For the purposes of clause (*a*), where a cheque is delivered for collection at any branch of the bank of the payee or holder in due course, then, the cheque shall be deemed to have been delivered to the branch of the bank in which the payee or holder in due course, as the case may be, maintains the account.".

Insertion of new section 142A.

4. In the principal Act, after section 142, the following section shall be inserted, namely:—

Validation for transfer of pending cases.

"142A. (*1*) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 or any judgment, decree, order or direction of any court, all cases transferred to the court having jurisdiction under sub-section (*2*) of section 142, as amended by the Negotiable Instruments (Amendment) Ordinance, 2015, shall be deemed to have been transferred under thisAct, as if that sub-section had been in force at all material times. 2 of 1974.

(*2*) Notwithstanding anything contained in sub-section (*2*) of section 142 or sub-section (*1*), where the payee or the holder in due course, as the case may be, has filed a complaint against the drawer of a cheque in the court having jurisdiction under sub-section (*2*) of section 142 or the case has been transferred to that court under sub-section (*1*) and such complaint is pending in that court, all subsequent complaints arising out of section 138 against the same drawer shall be filed before the same court irrespective of whether those cheques were delivered for collection or presented for payment within the territorial jurisdiction of that court.

(*3*) If, on the date of the commencement of the Negotiable Instruments (Amendment) Act, 2015, more than one prosecution filed by the same payee or holder in due course, as the case may be, against the same drawer of cheques is pending before different courts, upon the said fact having been brought to the notice of the court, such court shall transfer the case to the court having jurisdiction under sub-section (*2*) of section 142, as amended by the Negotiable Instruments (Amendment) Ordinance, 2015, before which the first case was filed and is pending, as if that sub-section had been in force at all material times.

Ord. 7 of 2015.

5. (*1*) The Negotiable Instruments (Amendment) Second Ordinance, 2015, is hereby repealed. Repeal and savings.

(*2*) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of the principal Act, as amended by this Act.

Bhopal, the 24th February, 2016

No. 3343-42-21-A(Dr.).—The following Act of the Parliament, published in the Gazette of India Extra-ordinary Part II Section 1 dated the 1st January, 2016 is hereby republished for general information. The Bill as passed by the House of Parliament received the assent of the President on 31st December, 2015.

By order and in the name of the Governor of Madhya Pradesh,
RAJESH YADAV, Addl. Secy.

THE SCHEDULED CASTES AND THE SCHEDULED TRIBES (PREVENTION OF ATROCITIES) AMENDMENT ACT, 2015

(AS PASSED BY THE HOUSES OF PARLIAMENT)

An

Act

to amend the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of long title.

33 of 1989.

2. In the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the principal Act), in the long title, for the words "Special Courts", the words "Special Courts and the Exclusive Special Courts" shall be substituted.

Amendment of section 2.

3. In section 2 of the principal Act, in sub-section (*1*),—

(*i*) after clause (*b*), the following clauses shall be inserted, namely:—

'(*bb*) "dependent" means the spouse, children, parents, brother and sister of the victim, who are dependent wholly or mainly on such victim for his support and maintenance;

(*bc*) "economic boycott" means–

(*i*) a refusal to deal with, work for hire or do business with other person; or

(*ii*) to deny opportunities including access to services or contractual opportunities for rendering service for consideration; or

(*iii*) to refuse to do anything on the terms on which things would be commonly done in the ordinary course of business; or

(*iv*) to abstain from the professional or business relations that one would maintain with other person;

(*bd*) "Exclusive Special Court" means the Exclusive Special Court established under sub-section (*1*) of section 14 exclusively to try the offences under this Act;

(*be*) "forest rights" shall have the meaning assigned to it in sub-section (*1*) of section 3 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006; 2 of 2007.

(*bf*) "manual scavenger" shall have the meaning assigned to it in clause (*g*) of sub-section (*1*) of section 2 of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013; 25 of 2013.

(*bg*) "public servant" means a public servant as defined under section 21 of the Indian Penal Code, as well as any other person deemed to be a public servant under any other law for the time being in force and includes any person acting in his official capacity under the Central Government or the State Government, as the case may be;'; 45 of 1860.

(*ii*) after clause (*e*), the following clauses shall be inserted, namely:—

'(*ea*) "Schedule" means the Schedule appended to this Act;

(*eb*) "social boycott" means a refusal to permit a person to render to other person or receive from him any customary service or to abstain from social relations that one would maintain with other person or to isolate him from others;

(*ec*) "victim" means any individual who falls within the definition of the "Scheduled Castes and Scheduled Tribes" under clause (*c*) of sub-section (*1*) of section 2, and who has suffered or experienced physical, mental, psychological, emotional or monetary harm or harm to his property as a result of the commission of any offence under this Act and includes his relatives, legal guardian and legal heirs;

(*ed*) "witness" means any person who is acquainted with the facts and circumstances, or is in possession of any information or has knowledge necessary for the purpose of investigation, inquiry or trial of any crime involving an offence under this Act, and who is or may be required to give information or make a statement or produce any document during investigation, inquiry or trial of such case and includes a victim of such offence;';

(*iii*) for clause (*f*), the following clause shall be substituted, namely:—

"(*f*) the words and expressions used but not defined in this Act and defined in the Indian Penal Code, the Indian Evidence Act, 1872 or the Code of Criminal Procedure, 1973, as the case may be, shall be deemed to have the meanings respectively assigned to them in those enactments.".

45 of 1860.
1 of 1872.
2 of 1974.

Amendment of section 3.

4. In section 3 of the principal Act,—

(*i*) for sub-section (*1*), the following sub-section shall be substituted, namely:—

'(*1*) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe,–

(*a*) puts any inedible or obnoxious substance into the mouth of a member of a Scheduled Caste or a Scheduled Tribe or forces such member to drink or eat such inedible or obnoxious substance;

(*b*) dumps excreta, sewage, carcasses or any other obnoxious substance in premises, or at the entrance of the premises, occupied by a member of a Scheduled Caste or a Scheduled Tribe;

(*c*) with intent to cause injury, insult or annoyance to any member of a Scheduled Caste or a Scheduled Tribe, dumps excreta, waste matter, carcasses or any other obnoxious substance in his neighbourhood;

(*d*) garlands with footwear or parades naked or semi-naked a member of a Scheduled Caste or a Scheduled Tribe;

(*e*) forcibly commits on a member of a Scheduled Caste or a Scheduled Tribe any act, such as removing clothes from the person, forcible tonsuring of head, removing moustaches, painting face or body or any other similar act, which is derogatory to human dignity;

(*f*) wrongfully occupies or cultivates any land, owned by, or in the possession of or allotted to, or notified by any competent authority to be allotted to, a member of a Scheduled Caste or a Scheduled Tribe, or gets such land transferred;

(*g*) wrongfully dispossesses a member of a Scheduled Caste or a Scheduled Tribe from his land or premises or interferes with the enjoyment of his rights, including forest rights, over any land or premises or water or irrigation facilities or destroys the crops or takes away the produce therefrom.

Explanation.—For the purposes of clause (*f*) and this clause, the expression "wrongfully" includes—

(*A*) against the person's will;

(*B*) without the person's consent;

(*C*) with the person's consent, where such consent has been obtained by putting the person, or any other person in whom the person is interested in fear of death or of hurt; or

(*D*) fabricating records of such land;

(*h*) makes a member of a Scheduled Caste or a Scheduled Tribe to do "*begar*" or other forms of forced or bonded labour other than any compulsory service for public purposes imposed by the Government;

(*i*) compels a member of a Scheduled Caste or a Scheduled Tribe to dispose or carry human or animal carcasses, or to dig graves;

(*j*) makes a member of a Scheduled Caste or a Scheduled Tribe to do manual scavenging or employs or permits the employment of such member for such purpose;

(*k*) performs, or promotes dedicating a Scheduled Caste or a Scheduled Tribe woman to a deity, idol, object of worship, temple, or other religious institution as a *devadasi* or any other similar practice or permits aforementioned acts;

(*l*) forces or intimidates or prevents a member of a Scheduled Caste or a Scheduled Tribe—

(*A*) not to vote or to vote for a particular candidate or to vote in a manner other than that provided by law;

(*B*) not to file a nomination as a candidate or to withdraw such nomination; or

(*C*) not to propose or second the nomination of a member of a Scheduled Caste or a Scheduled Tribe as a candidate in any election;

(*m*) forces or intimidates or obstructs a member of a Scheduled Caste or a Scheduled Tribe, who is a member or a Chairperson or a holder of any other office of a Panchayat under Part IX of the Constitution or a Municipality under Part IXA of the Constitution, from performing their normal duties and functions;

(*n*) after the poll, causes hurt or grievous hurt or assault or imposes or threatens to impose social or economic boycott upon a member of a Scheduled Caste or a Scheduled Tribe or prevents from availing benefits of any public service which is due to him;

(*o*) commits any offence under this Act against a member of a Scheduled Caste or a Scheduled Tribe for having voted or not having voted for a particular candidate or for having voted in a manner provided by law;

(*p*) institutes false, malicious or vexatious suit or criminal or other legal proceedings against a member of a Scheduled Caste or a Scheduled Tribe;

(*q*) gives any false or frivolous information to any public servant and thereby causes such public servant to use his lawful power to the injury or annoyance of a member of a Scheduled Caste or a Scheduled Tribe;

(*r*) intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view;

(*s*) abuses any member of a Scheduled Caste or a Scheduled Tribe by caste name in any place within public view;

(*t*) destroys, damages or defiles any object generally known to be held sacred or in high esteem by members of the Scheduled Castes or the Scheduled Tribes.

Explanation.—For the purposes of this clause, the expression "object" means and includes statue, photograph and portrait;

(*u*) by words either written or spoken or by signs or by visible representation or otherwise promotes or attempts to promote feelings of enmity, hatred or ill-will against members of the Scheduled Castes or the Scheduled Tribes;

(*v*) by words either written or spoken or by any other means disrespects any late person held in high esteem by members of the Scheduled Castes or the Scheduled Tribes;

(*w*) (*i*) intentionally touches a woman belonging to a Scheduled Caste or a Scheduled Tribe, knowing that she belongs to a Scheduled Caste or a Scheduled Tribe, when such act of touching is of a sexual nature and is without the recipient's consent;

(*ii*) uses words, acts or gestures of a sexual nature towards a woman belonging to a Scheduled Caste or a Scheduled Tribe, knowing that she belongs to a Scheduled Caste or a Scheduled Tribe.

Explanation.—For the purposes of sub-clause (*i*), the expression "consent" means an unequivocal voluntary agreement when the person by words, gestures, or any form of non-verbal communication, communicates willingness to participate in the specific act:

Provided that a woman belonging to a Scheduled Caste or a Scheduled Tribe who does not offer physical resistance to any act of a sexual nature is not by reason only of that fact, is to be regarded as consenting to the sexual activity:

Provided further that a woman's sexual history, including with the offender shall not imply consent or mitigate the offence;

(*x*) corrupts or fouls the water of any spring, reservoir or any other source ordinarily used by members of the Scheduled Castes or the Scheduled Tribes so as to render it less fit for the purpose for which it is ordinarily used;

(*y*) denies a member of a Scheduled Caste or a Scheduled Tribe any customary right of passage to a place of public resort or obstructs such member so as to prevent him from using or having access to a place of public resort to which other members of public or any other section thereof have a right to use or access to;

(*z*) forces or causes a member of a Scheduled Caste or a Scheduled Tribe to leave his house, village or other place of residence:

Provided that nothing contained in this clause shall apply to any action taken in discharge of a public duty;

(*za*) obstructs or prevents a member of a Scheduled Caste or a Scheduled Tribe in any manner with regard to—

(*A*) using common property resources of an area, or burial or cremation ground equally with others or using any river, stream, spring, well, tank, cistern, water-tap or other watering place, or any bathing *ghat*, any public conveyance, any road, or passage;

(*B*) mounting or riding bicycles or motor cycles or wearing footwear or new clothes in public places or taking out wedding procession, or mounting a horse or any other vehicle during wedding processions;

(*C*) entering any place of worship which is open to the public or other persons professing the same religion or taking part in, or taking out, any religious, social or cultural processions including *jatras;*

(*D*) entering any educational institution, hospital, dispensary, primary health centre, shop or place of public entertainment or any

other public place; or using any utensils or articles meant for public use in any place open to the public; or

(*E*) practicing any profession or the carrying on of any occupation, trade or business or employment in any job which other members of the public, or any section thereof, have a right to use or have access to;

(*zb*) causes physical harm or mental agony of a member of a Scheduled Caste or a Scheduled Tribe on the allegation of practicing witchcraft or being a witch; or

(*zc*) imposes or threatens a social or economic boycott of any person or a family or a group belonging to a Scheduled Caste or a Scheduled Tribe,

shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine.';

(*ii*) in sub-section (*2*),—

(*a*) in clause (*v*), for the words "on the ground that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member", the words "knowing that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member" shall be substituted;

(*b*) after clause (*v*), the following clause shall be inserted, namely:—

"(*va*) commits any offence specified in the Schedule, against a person or property, knowing that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member, shall be punishable with such punishment as specified under the Indian Penal Code for such offences and shall also be liable to fine.". 45 of 1860.

Substitution of new section for section 4.

5. For section 4 of the principal Act, the following section shall be substituted, namely:—

Punishment for neglect of duties.

"4. (*1*) Whoever, being a public servant but not being a member of a Scheduled Caste or a Scheduled Tribe, wilfully neglects his duties required to be performed by him under this Act and the rules made thereunder, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to one year.

(*2*) The duties of public servant referred to in sub-section (*1*) shall include—

(*a*) to read out to an informant the information given orally, and reduced to writing by the officer in charge of the police station, before taking the signature of the informant;

(*b*) to register a complaint or a First Information Report under this Act and other relevant provisions and to register it under appropriate sections of this Act;

(*c*) to furnish a copy of the information so recorded forthwith to the informant;

(*d*) to record the statement of the victims or witnesses;

(*e*) to conduct the investigation and file charge sheet in the Special Court or the Exclusive Special Court within a period of sixty days, and to explain the delay if any, in writing;

(*f*) to correctly prepare, frame and translate any document or electronic record;

(*g*) to perform any other duty specified in this Act or the rules made thereunder:

Provided that the charges in this regard against the public servant shall be booked on the recommendation of an administrative enquiry.

(*3*) The cognizance in respect of any dereliction of duty referred to in sub-section (*2*) by a public servant shall be taken by the Special Court or the Exclusive Special Court and shall give direction for penal proceedings against such public servant.".

Amendment of section 8.

6. In section 8 of the principal Act,—

(*i*) in clause (*a*), for the words "any financial assistance to a person accused of", the words "any financial assistance in relation to the offences committed by a person accused of" shall be substituted;

(*ii*) after clause (*b*), the following clause shall be inserted, namely:—

"(*c*) the accused was having personal knowledge of the victim or his family, the Court shall presume that the accused was aware of the caste or tribal identity of the victim, unless the contrary is proved.".

Amendment of section 10.

7. In section 10 of the principal Act, in sub-section (*1*),—

(*a*) after the words and figures "article 244 of the Constitution", the words, brackets and figures "or any area identified under the provisions of clause (*vii*) of sub-section (*2*) of section 21" shall be inserted;

(*b*) for the words "two years", the words "three years" shall be substituted.

Substitution of new section for section 14.

8. For section 14 of the principal Act, the following section shall be substituted, namely:—

Special Court and Exclusive Special Court.

"**14.** (*1*) For the purpose of providing for speedy trial, the State Government shall, with the concurrence of the Chief Justice of the High Court, by notification in the Official Gazette, establish an Exclusive Special Court for one or more Districts:

Provided that in Districts where less number of cases under this Act is recorded, the State Government shall, with the concurrence of the Chief Justice of the High Court, by notification in the Official Gazette, specify for such Districts, the Court of Session to be a Special Court to try the offences under this Act:

Provided further that the Courts so established or specified shall have power to directly take cognizance of offences under this Act.

(*2*) It shall be the duty of the State Government to establish adequate number of Courts to ensure that cases under this Act are disposed of within a period of two months, as far as possible.

(*3*) In every trial in the Special Court or the Exclusive Special Court, the proceedings shall be continued from day-to-day until all the witnesses in attendance have been examined, unless the Special Court or the Exclusive Special Court finds the adjournment of the same beyond the following day to be necessary for reasons to be recorded in writing:

Provided that when the trial relates to an offence under this Act, the trial shall, as far as possible, be completed within a period of two months from the date of filing of the charge sheet.".

Insertion of new section 14A.

9. After section 14 of the principal Act, the following section shall be inserted, namely:—

Appeals.

"14A. (*1*) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an appeal shall lie, from any judgment, sentence or order, not being an interlocutory order, of a Special Court or an Exclusive Special Court, to the High Court both on facts and on law. 2 of 1974.

(*2*) Notwithstanding anything contained in sub-section (*3*) of section 378 of the Code of Criminal Procedure, 1973, an appeal shall lie to the High Court against an order of the Special Court or the Exclusive Special Court granting or refusing bail. 2 of 1974.

(*3*) Notwithstanding anything contained in any other law for the time being in force, every appeal under this section shall be preferred within a period of ninety days from the date of the judgment, sentence or order appealed from:

Provided that the High Court may entertain an appeal after the expiry of the said period of ninety days if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the period of ninety days:

Provided further that no appeal shall be entertained after the expiry of the period of one hundred and eighty days.

(*4*) Every appeal preferred under sub-section (*1*) shall, as far as possible, be disposed of within a period of three months from the date of admission of the appeal.".

Substitution of new section for section 15.

10. For section 15 of the principal Act, the following section shall be substituted, namely:—

Special Public Prosecutor and Exclusive Public Prosecutor.

"15. (*1*) For every Special Court, the State Government shall, by notification in the Official Gazette, specify a Public Prosecutor or appoint an advocate who has been in practice as an advocate for not less than seven years, as a Special Public Prosecutor for the purpose of conducting cases in that Court.

(*2*) For every Exclusive Special Court, the State Government shall, by notification in the Official Gazette, specify an Exclusive Special Public Prosecutor or appoint an advocate who has been in practice as an advocate for not less than seven years, as an Exclusive Special Public Prosecutor for the purpose of conducting cases in that Court.".

Insertion of new Chapter IVA.

11. After Chapter IV of the principal Act, the following Chapter shall be inserted, namely:—

"CHAPTER IVA

RIGHTS OF VICTIMS AND WITNESSES

Rights of victims and witnesses.

15A. (*1*) It shall be the duty and responsibility of the State to make arrangements for the protection of victims, their dependents, and witnesses against any kind of intimidation or coercion or inducement or violence or threats of violence.

(*2*) A victim shall be treated with fairness, respect and dignity and with due regard to any special need that arises because of the victim's age or gender or educational disadvantage or poverty.

(*3*) A victim or his dependent shall have the right to reasonable, accurate, and timely notice of any Court proceeding including any bail proceeding and the Special Public Prosecutor or the State Government shall inform the victim about any proceedings under this Act.

(*4*) A victim or his dependent shall have the right to apply to the Special Court or the Exclusive Special Court, as the case may be, to summon parties for production of any documents or material, witnesses or examine the persons present.

(5) A victim or his dependent shall be entitled to be heard at any proceeding under this Act in respect of bail, discharge, release, parole, conviction or sentence of an accused or any connected proceedings or arguments and file written submission on conviction, acquittal or sentencing.

2 of 1974

(6) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the Special Court or the Exclusive Special Court trying a case under this Act shall provide to a victim, his dependent, informant or witnesses—

(a) the complete protection to secure the ends of justice;

(b) the travelling and maintenance expenses during investigation, inquiry and trial;

(c) the social-economic rehabilitation during investigation, inquiry and trial; and

(d) relocation.

(7) The State shall inform the concerned Special Court or the Exclusive Special Court about the protection provided to any victim or his dependent, informant or witnesses and such Court shall periodically review the protection being offered and pass appropriate orders.

(8) Without prejudice to the generality of the provisions of sub-section (6), the concerned Special Court or the Exclusive Special Court may, on an application made by a victim or his dependent, informant or witness in any proceedings before it or by the Special Public Prosecutor in relation to such victim, informant or witness or on its own motion, take such measures including—

(a) concealing the names and addresses of the witnesses in its orders or judgments or in any records of the case accessible to the public;

(b) issuing directions for non-disclosure of the identity and addresses of the witnesses;

(c) take immediate action in respect of any complaint relating to harassment of a victim, informant or witness and on the same day, if necessary, pass appropriate orders for protection:

Provided that inquiry or investigation into the complaint received under clause (c) shall be tried separately from the main case by such Court and concluded within a period of two months from the date of receipt of the complaint:

Provided further that where the complaint under clause (c) is against any public servant, the Court shall restrain such public servant from interfering with the victim, informant or witness, as the case may be, in any matter related or unrelated to the pending case, except with the permission of the Court.

(9) It shall be the duty of the Investigating Officer and the Station House Officer to record the complaint of victim, informant or witnesses against any kind of intimidation, coercion or inducement or violence or threats of violence, whether given orally or in writing, and a photocopy of the First Information Report shall be immediately given to them at free of cost.

(10) All proceedings relating to offences under this Act shall be video recorded.

(11) It shall be the duty of the concerned State to specify an appropriate scheme to ensure implementation of the following rights and entitlements of victims and witnesses in accessing justice so as—

(a) to provide a copy of the recorded First Information Report at free of cost;

(*b*) to provide immediate relief in cash or in kind to atrocity victims or their dependents;

(*c*) to provide necessary protection to the atrocity victims or their dependents, and witnesses;

(*d*) to provide relief in respect of death or injury or damage to property;

(*e*) to arrange food or water or clothing or shelter or medical aid or transport facilities or daily allowances to victims;

(*f*) to provide the maintenance expenses to the atrocity victims and their dependents;

(*g*) to provide the information about the rights of atrocity victims at the time of making complaints and registering the First Information Report;

(*h*) to provide the protection to atrocity victims or their dependents and witnesses from intimidation and harassment;

(*i*) to provide the information to atrocity victims or their dependents or associated organisations or individuals, on the status of investigation and charge sheet and to provide copy of the charge sheet at free of cost;

(*j*) to take necessary precautions at the time of medical examination;

(*k*) to provide information to atrocity victims or their dependents or associated organisations or individuals, regarding the relief amount;

(*l*) to provide information to atrocity victims or their dependents or associated organisations or individuals, in advance about the dates and place of investigation and trial;

(*m*) to give adequate briefing on the case and preparation for trial to atrocity victims or their dependents or associated organisations or individuals and to provide the legal aid for the said purpose;

(*n*) to execute the rights of atrocity victims or their dependents or associated organisations or individuals at every stage of the proceedings under this Act and to provide the necessary assistance for the execution of the rights.

(*12*) It shall be the right of the atrocity victims or their dependents, to take assistance from the Non-Government Organisations, social workers or advocates.".

Insertion of new Schedule.

12. After section 23 of the principal Act, the following Schedule shall be inserted, namely:—

"THE SCHEDULE

[*See* section 3(*2*) (*va*)]

Section under the Indian Penal Code	Name of offence and punishment
120A	Definition of criminal conspiracy.
120B	Punishment of criminal conspiracy.
141	Unlawful assembly.
142	Being member of unlawful assembly.

Section under the Indian Penal Code	Name of offence and punishment
143	Punishment for unlawful assembly.
144	Joining unlawful assembly armed with deadly weapon.
145	Joining or continuing in unlawful assembly, knowing it has been commanded to disperse.
146	Rioting.
147	Punishment for rioting.
148	Rioting, armed with deadly weapon.
217	Public servant disobeying direction of law with intent to save person from punishment or property from forfeiture.
319	Hurt.
320	Grievous hurt.
323	Punishment for voluntarily causing hurt.
324	Voluntarily causing hurt by dangerous weapons or means.
325	Punishment for voluntarily causing grievous hurt.
326B	Voluntarily throwing or attempting to throw acid.
332	Voluntarily causing hurt to deter public servant from his duty.
341	Punishment for wrongful restraint.
354	Assault or criminal force to woman with intent to outrage her modesty.
354A	Sexual harassment and punishment for sexual harassment.
354B	Assault or use of criminal force to woman with intent to disrobe.
354C	Voyeurism.
354D	Stalking.
359	Kidnapping.
363	Punishment for kidnapping.
365	Kidnapping or abducting with intent secretly and wrongfully to confine person.
376B	Sexual intercourse by husband upon his wife during separation.
376C	Sexual intercourse by a person in authority.
447	Punishment for criminal trespass.
506	Punishment for criminal intimidation.
509	Word, gesture or act intended to insult the modesty of a woman.".

Repeal and saving.

13. (*1*) The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Ordinance, 2014 is hereby repealed. Ord. 1 of 2014.

(*2*) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of the principal Act, as amended by this Act.

Bhopal, the 24th February, 2016

No. 3343-42-21-A(Dr.).—The following Act of the Parliament, published in the Gazette of India Extra-ordinary Part II Section 1 dated the 1st January, 2016 is hereby republished for general information. The Bill as passed by the House of Parliament received the assent of the President on 31st December, 2015.

By order and in the name of the Governor of Madhya Pradesh,

RAJESH YADAV, Addl. Secy.

THE COMMERCIAL COURTS, COMMERCIAL DIVISION AND COMMERCIAL APPELLATE DIVISION OF HIGH COURTS ACT, 2015

An

Act

to provide for the constitution of Commercial Courts, Commercial Division and Commercial Appellate Division in the High Courts for adjudicating commercial disputes of specified value and matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

CHAPTER I
PRELIMINARY

Short title, extent and commencement.

1. (*1*) This Act may be called the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015.

(*2*) It extends to the whole of India except the State of Jammu and Kashmir.

(*3*) It shall be deemed to have come into force on the 23rd day of October, 2015.

Definitions.

2. (*1*) In this Act, unless the context otherwise requires,—

(*a*) "Commercial Appellate Division" means the Commercial Appellate Division in a High Court constituted under sub-section (*1*) of section 5;

(*b*) "Commercial Court" means the Commercial Court constituted under sub-section (*1*) of section 3;

(*c*) "commercial dispute" means a dispute arising out of—

(*i*) ordinary transactions of merchants, bankers, financiers and traders such as those relating to mercantile documents, including enforcement and interpretation of such documents;

(*ii*) export or import of merchandise or services;

(*iii*) issues relating to admiralty and maritime law;

(*iv*) transactions relating to aircraft, aircraft engines, aircraft equipment and helicopters, including sales, leasing and financing of the same;

(*v*) carriage of goods;

(*vi*) construction and infrastructure contracts, including tenders;

(*vii*) agreements relating to immovable property used exclusively in trade or commerce;

(*viii*) franchising agreements;

(*ix*) distribution and licensing agreements;

(*x*) management and consultancy agreements;

(*xi*) joint venture agreements;

(*xii*) shareholders agreements;

(*xiii*) subscription and investment agreements pertaining to the services industry including outsourcing services and financial services;

(*xiv*) mercantile agency and mercantile usage;

(*xv*) partnership agreements;

(*xvi*) technology development agreements;

(*xvii*) intellectual property rights relating to registered and unregistered trademarks, copyright, patent, design, domain names, geographical indications and semiconductor integrated circuits;

(*xviii*) agreements for sale of goods or provision of services;

(*xix*) exploitation of oil and gas reserves or other natural resources including electromagnetic spectrum;

(*xx*) insurance and re-insurance;

(*xxi*) contracts of agency relating to any of the above; and

(*xxii*) such other commercial disputes as may be notified by the Central Government.

Explanation.—A commercial dispute shall not cease to be a commercial dispute merely because—

(*a*) it also involves action for recovery of immovable property or for realisation of monies out of immovable property given as security or involves any other relief pertaining to immovable property;

(*b*) one of the contracting parties is the State or any of its agencies or instrumentalities, or a private body carrying out public functions;

(*d*) "Commercial Division" means the Commercial Division in a High Court constituted under sub-section (*1*) of section 4;

(*e*) "District Judge" shall have the same meaning as assigned to it in clause (a) of article 236 of the Constitution of India;

(*f*) "document" means any matter expressed or described upon any substance by means of letters, figures or marks, or electronic means, or by more than one of those means, intended to be used, or which may be used, for the purpose of recording that matter;

(*g*) "notification" means a notification published in the Official Gazette and the expression "notify" with its cognate meanings and grammatical variations shall be construed accordingly;

(*h*) "Schedule" means the Schedule appended to the Act; and

(*i*) "Specified Value", in relation to a commercial dispute, shall mean the value of the subject-matter in respect of a suit as determined in accordance with section 12 which shall not be less than one crore rupees or such higher value, as may be notified by the Central Government.

(*2*) The words and expressions used and not defined in this Act but defined in the Code of Civil Procedure, 1908 and the Indian Evidence Act, 1872, shall have the same meanings respectively assigned to them in that Code and the Act.

5 of 1908.
1 of 1872.

CHAPTER II

CONSTITUTION OF COMMERCIAL COURTS, COMMERCIAL DIVISIONS AND COMMERCIAL APPELLATE DIVISIONS

Constitution of Commercial Courts.

3. (*1*) The State Government, may after consultation with the concerned High Court, by notification, constitute such number of Commercial Courts at District level, as it may deem necessary for the purpose of exercising the jurisdiction and powers conferred on those Courts under this Act:

Provided that no Commercial Court shall be constituted for the territory over which the High Court has ordinary original civil jurisdiction.

(*2*) The State Government shall, after consultation with the concerned High Court specify, by notification, the local limits of the area to which the jurisdiction of a Commercial Court shall extend and may, from time to time, increase, reduce or alter such limits.

(*3*) The State Government shall, with the concurrence of the Chief Justice of the High Court appoint one or more persons having experience in dealing with commercial disputes to be the Judge or Judges, of a Commercial Court, from amongst the cadre of Higher Judicial Service in the State.

Constitution of Commercial Division of High Court.

4. (*1*) In all High Courts, having ordinary civil jurisdiction, the Chief Justice of the High Court may, by order, constitute Commercial Division having one or more Benches consisting of a single Judge for the purpose of exercising the jurisdiction and powers conferred on it under this Act.

(*2*) The Chief Justice of the High Court shall nominate such Judges of the High Court who have experience in dealing with commercial disputes to be Judges of the Commercial Division.

Constitution of Commercial Appellate Division.

5. (*1*) After issuing notification under sub-section (*1*) of section 3 or order under sub-section (*1*) of section 4, the Chief Justice of the concerned High Court shall, by order, constitute Commercial Appellate Division having one or more Division Benches for the purpose of exercising the jurisdiction and powers conferred on it by the Act.

(*2*) The Chief Justice of the High Court shall nominate such Judges of the High Court who have experience in dealing with commercial disputes to be Judges of the Commercial Appellate Division.

Jurisdiction of Commercial Court.

6. The Commercial Court shall have jurisdiction to try all suits and applications relating to a commercial dispute of a Specified Value arising out of the entire territory of the State over which it has been vested territorial jurisdiction.

Explanation.—For the purposes of this section, a commercial dispute shall be considered to arise out of the entire territory of the State over which a Commercial Court has been vested jurisdiction, if the suit or application relating to such commercial dispute has been instituted as per the provisions of sections 16 to 20 of the Code of Civil Procedure, 1908. 5 of 1908

Jurisdiction of Commercial Divisions of High Courts.

7. All suits and applications relating to commercial disputes of a Specified Value filed in a High Court having ordinary original civil jurisdiction shall be heard and disposed of by the Commercial Division of that High Court:

Provided that all suits and applications relating to commercial disputes, stipulated by an Act to lie in a court not inferior to a District Court, and filed or pending on the original side of the High Court, shall be heard and disposed of by the Commercial Division of the High Court:

Provided further that all suits and applications transferred to the High Court by virtue of sub-section (*4*) of section 22 of the Designs Act, 2000 or section 104 of the Patents Act, 1970 shall be heard and disposed of by the Commercial Division of the High Court in all the areas over which the High Court exercises ordinary original civil jurisdiction. 16 of 2000. 39 of 1970.

Bar against revision application or petition against an interlocutory order.

8. Notwithstanding anything contained in any other law for the time being in force, no civil revision application or petition shall be entertained against any interlocutory order of a Commercial Court, including an order on the issue of jurisdiction, and any such challenge, subject to the provisions of section 13, shall be raised only in an appeal against the decree of the Commercial Court.

Transfer of suit if counterclaim in a commercial dispute is of Specified Value.

9. (*1*) Notwithstanding anything contained in the Code of Civil Procedure, 1908, in the event that a counterclaim filed in a suit before a civil court relating to a commercial dispute is of Specified Value, such suit shall be transferred by the civil court to the Commercial Division or Commercial Court, as the case may be, having territorial jurisdiction over such suit. 5 of 1908.

(*2*) In the event that such suit is not transferred in the manner contemplated in sub-section (*1*), the Commercial Appellate Division of the High Court exercising supervisory jurisdiction over the civil court in question may, on the application of any of the parties to the suit, withdraw such suit pending before the civil court and transfer the same for trial or disposal to the Commercial Court or Commercial Division or, as the case may be, having territorial jurisdiction over such suit, and such order of transfer shall be final and binding.

Jurisdiction in respect of arbitration matters.

10. Where the subject-matter of an arbitration is a commercial dispute of a Specified Value and—

(*1*) If such arbitration is an international commercial arbitration, all applications or appeals arising out of such arbitration under the provisions of the Arbitration and Conciliation Act, 1996 that have been filed in a High Court, shall be heard and disposed of by the Commercial Division where such Commercial Division has been constituted in such High Court. 26 of 1996.

(*2*) If such arbitration is other than an international commercial arbitration, all applications or appeals arising out of such arbitration under the provisions of the
26 of 1996. Arbitration and Conciliation Act, 1996 that have been filed on the original side of the High Court, shall be heard and disposed of by the Commercial Division where such Commercial Division has been constituted in such High Court.

(*3*) If such arbitration is other than an international commercial arbitration, all applications or appeals arising out of such arbitration under the provisions of the
26 of 1996. Arbitration and Conciliation Act, 1996 that would ordinarily lie before any principal civil court of original jurisdiction in a district (not being a High Court) shall be filed in, and heard and disposed of by the Commercial Court exercising territorial jurisdiction over such arbitration where such Commercial Court has been constituted.

Bar of jurisdiction of Commercial Courts and Commercial Divisions.

11. Notwithstanding anything contained in this Act, a Commercial Court or a Commercial Division shall not entertain or decide any suit, application or proceedings relating to any commercial dispute in respect of which the jurisdiction of the civil court is either expressly or impliedly barred under any other law for the time being in force.

CHAPTER III
SPECIFIED VALUE

Determination of Specified Value.

12. (*1*) The Specified Value of the subject-matter of the commercial dispute in a suit, appeal or application shall be determined in the following manner:—

(*a*) where the relief sought in a suit or application is for recovery of money, the money sought to be recovered in the suit or application inclusive of interest, if any, computed up to the date of filing of the suit or application, as the case may be, shall be taken into account for determining such Specified Value;

(*b*) where the relief sought in a suit, appeal or application relates to movable property or to a right therein, the market value of the movable property as on the date of filing of the suit, appeal or application, as the case may be, shall be taken into account for determining such Specified Value;

(*c*) where the relief sought in a suit, appeal or application relates to immovable property or to a right therein, the market value of the immovable property, as on the date of filing of the suit, appeal or application, as the case may be, shall be taken into account for determining Specified Value;

(*d*) where the relief sought in a suit, appeal or application relates to any other intangible right, the market value of the said rights as estimated by the plaintiff shall be taken into account for determining Specified Value; and

(*e*) where the counterclaim is raised in any suit, appeal or application, the value of the subject-matter of the commercial dispute in such counterclaim as on the date of the counterclaim shall be taken into account.

(*2*) The aggregate value of the claim and counterclaim, if any as set out in the statement of claim and the counterclaim, if any, in an arbitration of a commercial dispute shall be the basis for determining whether such arbitration is subject to the jurisdiction of a Commercial Division, Commercial Appellate Division or Commercial Court, as the case may be.

(*3*) No appeal or civil revision application under section 115 of the Code of Civil
5 of 1908. Procedure, 1908, as the case may be, shall lie from an order of a Commercial Division or Commercial Court finding that it has jurisdiction to hear a commercial dispute under this Act.

CHAPTER IV

APPEALS

Appeals from decrees of Commercial Courts and Commercial Divisions.

13. (*1*) Any person aggrieved by the decision of the Commercial Court or Commercial Division of a High Court may appeal to the Commercial Appellate Division of that High Court within a period of sixty days from the date of judgment or order, as the case may be:

Provided that an appeal shall lie from such orders passed by a Commercial Division or a Commercial Court that are specifically enumerated under Order XLIII of the Code of Civil Procedure, 1908 as amended by this Act and section 37 of the Arbitration and Conciliation Act, 1996. 5 of 1908. 26 of 1996.

(*2*) Notwithstanding anything contained in any other law for the time being in force or Letters Patent of a High Court, no appeal shall lie from any order or decree of a Commercial Division or Commercial Court otherwise than in accordance with the provisions of this Act.

Expeditious disposal of appeals.

14. The Commercial Appellate Division shall endeavour to dispose of appeals filed before it within a period of six months from the date of filing of such appeal.

CHAPTER V

TRANSFER OF PENDING SUITS

Transfer of pending cases.

15. (*1*) All suits and applications, including applications under the Arbitration and Conciliation Act, 1996, relating to a commercial dispute of a Specified Value pending in a High Court where a Commercial Division has been constituted, shall be transferred to the Commercial Division. 26 of 1996.

(*2*) All suits and applications, including applications under the Arbitration and Conciliation Act, 1996, relating to a commercial dispute of a Specified Value pending in any civil court in any district or area in respect of which a Commercial Court has been constituted, shall be transferred to such Commercial Court: 26 of 1996.

Provided that no suit or application where the final judgment has been reserved by the Court prior to the constitution of the Commercial Division or the Commercial Court shall be transferred either under sub-section (*1*) or sub-section (*2*).

(*3*) Where any suit or application, including an application under the Arbitration and Conciliation Act, 1996, relating to a commercial dispute of Specified Value shall stand transferred to the Commercial Division or Commercial Court under sub-section (*1*) or sub-section (*2*), the provisions of this Act shall apply to those procedures that were not complete at the time of transfer. 26 of 1996.

(*4*) The Commercial Division or Commercial Court, as the case may be, may hold case management hearings in respect of such transferred suit or application in order to prescribe new timelines or issue such further directions as may be necessary for a speedy and efficacious disposal of such suit or application in accordance with Order XIV-A of the Code of Civil Procedure, 1908: 5 of 1908.

Provided that the proviso to sub-rule (*1*) of Rule 1 of Order V of the Code of Civil Procedure, 1908 shall not apply to such transferred suit or application and the court may, in its discretion, prescribe a new time period within which the written statement shall be filed. 5 of 1908.

(*5*) In the event that such suit or application is not transferred in the manner specified in sub-section (*1*), sub-section (*2*) or sub-section (*3*), the Commercial Appellate Division of the High Court may, on the application of any of the parties to the suit, withdraw such suit or application from the court before which it is pending and transfer the same for trial or disposal to the Commercial Division or Commercial Court, as the case may be, having territorial jurisdiction over such suit, and such order of transfer shall be final and binding.

CHAPTER VI

AMENDMENTS TO THE PROVISIONS OF THE CODE OF CIVIL PROCEDURE, 1908

Amendments to the Code of Civil Procedure, 1908 in its application to commercial disputes.

5 of 1908. **16.** (*1*) The provisions of the Code of Civil Procedure, 1908 shall, in their application to any suit in respect of a commercial dispute of a Specified Value, stand amended in the manner as specified in the Schedule.

5 of 1908. (*2*) The Commercial Division and Commercial Court shall follow the provisions of the Code of Civil Procedure, 1908, as amended by this Act, in the trial of a suit in respect of a commercial dispute of a Specified Value.

5 of 1908. (*3*) Where any provision of any Rule of the jurisdictional High Court or any amendment to the Code of Civil Procedure, 1908, by the State Government is in conflict with the provisions of the Code of Civil Procedure, 1908, as amended by this Act, the provisions of the Code of Civil Procedure as amended by this Act shall prevail.

CHAPTER VII

MISCELLANEOUS

Collection and disclosure of data by Commercial Courts, Commercial Divisions and Commercial Appellate Divisions.

17. The statistical data regarding the number of suits, applications, appeals or writ petitions filed before the Commercial Court, Commercial Division, or Commercial Appellate Division, as the case may be, the pendency of such cases, the status of each case, and the number of cases disposed of, shall be maintained and updated every month by each Commercial Court, Commercial Division, Commercial Appellate Division and shall be published on the website of the relevant High Court.

Power of High Court to issue directions.

5 of 1908. **18.** The High Court may, by notification, issue practice directions to supplement the provisions of Chapter II of this Act or the Code of Civil Procedure, 1908 insofar as such provisions apply to the hearing of commercial disputes of a Specified Value.

Infrastructure facilities.

19. The State Government shall provide necessary infrastructure to facilitate the working of a Commercial Court or a Commercial Division of a High Court.

Training and continuous education.

20. The State Government may, in consultation with the High Court, establish necessary facilities providing for training of Judges who may be appointed to the Commercial Court, Commercial Division or the Commercial Appellate Division in a High Court.

Act to have overriding effect.

21. Save as otherwise provided, the provisions of this Act shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law for the time being in force other than this Act.

Power to remove difficulties.

22. (*1*) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as may appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of a period of two years from the date of commencement of this Act.

(*2*) Every order made under this section shall be laid, as soon as may be, after it is made, before each House of Parliament.

Repeal and savings.

Ord. 8 of 2015. **23.** (*1*) The Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Ordinance, 2015 is hereby repealed.

(*2*) Notwithstanding such repeal, anything done or any action taken under the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of this Act.

SCHEDULE
(*See* section 16)

Amendment of section 26.

1. In section 26 of the Code of Civil Procedure, 1908 (hereafter referred to as the Code), in sub-section (*2*), the following proviso shall be inserted, namely:—

"Provided that such an affidavit shall be in the form and manner as prescribed under Order VI of Rule 15A".

Substitution of new section for section 35.

2. For section 35 of the Code, the following section shall be substituted, namely:—

Costs.

'35. (*1*) In relation to any commercial dispute, the Court, notwithstanding anything contained in any other law for the time being in force or Rule, has the discretion to determine:

(*a*) whether costs are payable by one party to another;

(*b*) the quantum of those costs; and

(*c*) when they are to be paid.

Explanation.—For the purpose of clause (*a*), the expression "costs" shall mean reasonable costs relating to—

(*i*) the fees and expenses of the witnesses incurred;

(*ii*) legal fees and expenses incurred;

(*iii*) any other expenses incurred in connection with the proceedings.

(*2*) If the Court decides to make an order for payment of costs, the general rule is that the unsuccessful party shall be ordered to pay the costs of the successful party:

Provided that the Court may make an order deviating from the general rule for reasons to be recorded in writing.

Illustration

The Plaintiff, in his suit, seeks a money decree for breach of contract, and damages. The Court holds that the Plaintiff is entitled to the money decree. However, it returns a finding that the claim for damages is frivolous and vexatious.

In such circumstances the Court may impose costs on the Plaintiff, despite the Plaintiff being the successful party, for having raised frivolous claims for damages.

(*3*) In making an order for the payment of costs, the Court shall have regard to the following circumstances, including—

(*a*) the conduct of the parties;

(*b*) whether a party has succeeded on part of its case, even if that party has not been wholly successful;

(*c*) whether the party had made a frivolous counterclaim leading to delay in the disposal of the case;

(*d*) whether any reasonable offer to settle is made by a party and unreasonably refused by the other party; and

(*e*) whether the party had made a frivolous claim and instituted a vexatious proceeding wasting the time of the Court.

(*4*) The orders which the Court may make under this provision include an order that a party must pay—

(*a*) a proportion of another party's costs;

(*b*) a stated amount in respect of another party's costs;

(*c*) costs from or until a certain date;

(*d*) costs incurred before proceedings have begun;

(*e*) costs relating to particular steps taken in the proceedings;

(*f*) costs relating to a distinct part of the proceedings; and

(*g*) interest on costs from or until a certain date.'.

3. In section 35A of the Code, sub-section (*2*) shall be omitted. Amendment of section 35A.

4. In the First Schedule to the Code,— Amendment of First Schedule.

(*A*) in the Order V, in Rule 1, in sub-rule (*1*), for the second proviso, the following proviso shall be substituted, namely:—

"Provided further that where the defendant fails to file the written statement within the said period of thirty days, he shall be allowed to file the written statement on such other day, as may be specified by the Court, for reasons to be recorded in writing and on payment of such costs as the Court deems fit, but which shall not be later than one hundred twenty days from the date of service of summons and on expiry of one hundred twenty days from the date of service of summons, the defendant shall forfeit the right to file the written statement and the Court shall not allow the written statement to be taken on record.";

(*B*) in Order VI,—

(*i*) after Rule 3, the following Rule shall be inserted, namely:—

"3A. Forms of pleading in Commercial Courts—In a commercial dispute, where forms of pleadings have been prescribed under the High Court Rules or Practice Directions made for the purposes of such commercial disputes, pleadings shall be in such forms.";

(*ii*) after Rule 15, the following Rule shall be inserted, namely:—

"15A. Verification of pleadings in a commercial dispute.—

(*1*) Notwithstanding anything contained in Rule 15, every pleading in a commercial dispute shall be verified by an affidavit in the manner and form prescribed in the Appendix to this Schedule.

(*2*) An affidavit under sub-rule (*1*) above shall be signed by the party or by one of the parties to the proceedings, or by any other person on behalf of such party or parties who is proved to the satisfaction of the Court to be acquainted with the facts of the case and who is duly authorised by such party or parties.

(*3*) Where a pleading is amended, the amendments must be verified in the form and manner referred to in sub-rule (*1*) unless the Court orders otherwise.

(*4*) Where a pleading is not verified in the manner provided under sub-rule (*1*), the party shall not be permitted to rely on such pleading as evidence or any of the matters set out therein.

(*5*) The Court may strike out a pleading which is not verified by a Statement of Truth, namely, the affidavit set out in the Appendix to this Schedule.";

(*C*) in Order VII, after Rule 2, the following Rule shall be inserted, namely:—

"2A. Where interest is sought in the suit,—

(*1*) Where the plaintiff seeks interest, the plaint shall contain a statement to that effect along with the details set out under sub-rules (*2*) and (*3*).

(*2*) Where the plaintiff seeks interest, the plaint shall state whether the plaintiff is seeking interest in relation to a commercial transaction within the meaning of section 34 of the Code of Civil Procedure, 1908 and, furthermore, if the plaintiff is doing so under the terms of a contract or under an Act, in which case the Act is to be specified in the plaint; or on some other basis and shall state the basis of that. 5 of 1908.

(*3*) Pleadings shall also state—

(*a*) the rate at which interest is claimed;

(*b*) the date from which it is claimed;

(*c*) the date to which it is calculated;

(*d*) the total amount of interest claimed to the date of calculation; and

(*e*) the daily rate at which interest accrues after that date.";

(*D*) in Order VIII,—

(*i*) in Rule 1, for the proviso, the following proviso shall be substituted, namely:—

"Provided that where the defendant fails to file the written statement within the said period of thirty days, he shall be allowed to file the written statement on such other day, as may be specified by the Court, for reasons to be recorded in writing and on payment of such costs as the Court deems fit, but which shall not be later than one hundred twenty days from the date of service of summons and on expiry of one hundred twenty days from the date of service of summons, the defendant shall forfeit the right to file the written statement and the Court shall not allow the written statement to be taken on record.";

(*ii*) after Rule 3, the following Rule shall be inserted, namely:—

"3A. Denial by the defendant in suits before the Commercial Division of the High Court or the Commercial Court—

(*1*) Denial shall be in the manner provided in sub-rules (*2*), (*3*), (*4*) and (*5*) of this Rule.

(*2*) The defendant in his written statement shall state which of the allegations in the particulars of plaint he denies, which allegations he is unable to admit or deny, but which he requires the plaintiff to prove, and which allegations he admits.

(*3*) Where the defendant denies an allegation of fact in a plaint, he must state his reasons for doing so and if he intends to put forward a different version of events from that given by the plaintiff, he must state his own version.

(*4*) If the defendant disputes the jurisdiction of the Court he must state the reasons for doing so, and if he is able, give his own statement as to which Court ought to have jurisdiction.

(*5*) If the defendant disputes the plaintiff's valuation of the suit, he must state his reasons for doing so, and if he is able, give his own statement of the value of the suit.";

(*iii*) in Rule 5, in sub-rule (*1*), after the first proviso, the following proviso shall be inserted, namely:—

"Provided further that every allegation of fact in the plaint, if not denied in the manner provided under Rule 3A of this Order, shall be taken to be admitted except as against a person under disability.";

(*iv*) in Rule 10, after the first proviso, the following proviso shall be inserted, namely:—

"Provided further that no Court shall make an order to extend the time provided under Rule 1 of this Order for filing of the written statement.";

(*E*) for Order XI of the Code, the following Order shall be substituted, namely:—

"ORDER XI

DISCLOSURE, DISCOVERY AND INSPECTION OF DOCUMENTS IN SUITS BEFORE THE COMMERCIAL DIVISION OF A HIGH COURT OR A COMMERCIAL COURT

Disclosure and discovery of documents.

1. (*1*) Plaintiff shall file a list of all documents and photocopies of all documents, in its power, possession, control or custody, pertaining to the suit, along with the plaint, including:—

(*a*) documents referred to and relied on by the plaintiff in the plaint;

(*b*) documents relating to any matter in question in the proceedings, in the power, possession, control or custody of the plaintiff, as on the date of filing the plaint, irrespective of whether the same is in support of or adverse to the plaintiff's case;

(*c*) nothing in this Rule shall apply to documents produced by plaintiffs and relevant only—

(*i*) for the cross-examination of the defendant's witnesses, or

(*ii*) in answer to any case set up by the defendant subsequent to the filing of the plaint, or

(*iii*) handed over to a witness merely to refresh his memory.

(*2*) The list of documents filed with the plaint shall specify whether the documents in the power, possession, control or custody of the plaintiff are originals, office copies or photocopies and the list shall also set out in brief, details of parties to each document, mode of execution, issuance or receipt and line of custody of each document.

(*3*) The plaint shall contain a declaration on oath from the plaintiff that all documents in the power, possession, control or custody of the plaintiff, pertaining to the facts and circumstances of the proceedings initiated by him have been disclosed and copies thereof annexed with the plaint, and that the plaintiff does not have any other documents in its power, possession, control or custody.

Explanation.—A declaration on oath under this sub-rule shall be contained in the Statement of Truth as set out in the Appendix.

(*4*) In case of urgent filings, the plaintiff may seek leave to rely on additional documents, as part of the above declaration on oath and subject to grant of such leave by Court, the plaintiff shall file such additional documents in Court, within thirty days of filing the suit, along with a declaration on oath that the plaintiff has

produced all documents in its power, possession, control or custody, pertaining to the facts and circumstances of the proceedings initiated by the plaintiff and that the plaintiff does not have any other documents, in its power, possession, control or custody.

(*5*) The plaintiff shall not be allowed to rely on documents, which were in the plaintiff's power, possession, control or custody and not disclosed along with plaint or within the extended period set out above, save and except by leave of Court and such leave shall be granted only upon the plaintiff establishing reasonable cause for non–disclosure along with the plaint.

(*6*) The plaint shall set out details of documents, which the plaintiff believes to be in the power, possession, control or custody of the defendant and which the plaintiff wishes to rely upon and seek leave for production thereof by the said defendant.

(*7*) The defendant shall file a list of all documents and photocopies of all documents, in its power, possession, control or custody, pertaining to the suit, along with the written statement or with its counterclaim if any, including—

(*a*) the documents referred to and relied on by the defendant in the written statement;

(*b*) the documents relating to any matter in question in the proceeding in the power, possession, control or custody of the defendant, irrespective of whether the same is in support of or adverse to the defendant's defence;

(*c*) nothing in this Rule shall apply to documents produced by the defendants and relevant only—

(*i*) for the cross-examination of the plaintiff's witnesses,

(*ii*) in answer to any case set up by the plaintiff subsequent to the filing of the plaint, or

(*iii*) handed over to a witness merely to refresh his memory.

(*8*) The list of documents filed with the written statement or counterclaim shall specify whether the documents, in the power, possession, control or custody of the defendant, are originals, office copies or photocopies and the list shall also set out in brief, details of parties to each document being produced by the defendant, mode of execution, issuance or receipt and line of custody of each document.

(*9*) The written statement or counterclaim shall contain a declaration on oath made by the deponent that all documents in the power, possession, control or custody of the defendant, save and except for those set out in sub-rule (7) (*c*) (*iii*) pertaining to the facts and circumstances of the proceedings initiated by the plaintiff or in the counterclaim, have been disclosed and copies thereof annexed with the written statement or counterclaim and that the defendant does not have in its power, possession, control or custody, any other documents.

(*10*) Save and except for sub-rule (7) (*c*) (*iii*), defendant shall not be allowed to rely on documents, which were in the defendant's power, possession, control or custody and not disclosed along with the written statement or counterclaim, save and except by leave of Court and such leave shall be granted only upon the defendant establishing reasonable cause for non-disclosure along with the written statement or counterclaim.

(*11*) The written statement or counterclaim shall set out details of documents in the power, possession, control or custody of the plaintiff, which the defendant wishes to rely upon and which have not been disclosed with the plaint, and call upon the plaintiff to produce the same.

(*12*) Duty to disclose documents, which have come to the notice of a party, shall continue till disposal of the suit.

Discovery by interrogatories.

2. (*1*) In any suit the plaintiff or defendant by leave of the court may deliver interrogatories in writing for the examination of the opposite parties or any one or more of such parties, and such interrogatories when delivered shall have a note at the foot thereof stating which of such interrogatories each of such persons is required to answer:

Provided that no party shall deliver more than one set of interrogatories to the same party without an order for that purpose:

Provided further that interrogatories which do not relate to any matters in question in the suit shall be deemed irrelevant, notwithstanding that they might be admissible on the oral cross-examination of a witness.

(*2*) On an application for leave to deliver interrogatories, the particular interrogatories proposed to be delivered shall be submitted to the court, and that court shall decide within seven days from the day of filing of the said application, in deciding upon such application, the court shall take into account any offer, which may be made by the party sought to be interrogated to deliver particulars, or to make admissions, or to produce documents relating to the matters in question, or any of them, and leave shall be given as to such only of the interrogatories submitted as the court shall consider necessary either for disposing fairly of the suit or for saving costs.

(*3*) In adjusting the costs of the suit inquiry shall at the instance of any party be made into the propriety of exhibiting such interrogatories, and if it is the opinion of the taxing officer or of the court, either with or without an application for inquiry, that such interrogatories have been exhibited unreasonably, vexatiously, or at improper length, the costs occasioned by the said interrogatories and the answers thereto shall be paid in any event by the party in fault.

(*4*) Interrogatories shall be in the form provided in Form No. 2 in Appendix C to the Code of Civil Procedure, 1908, with such variations as circumstances may require. 5 of 1908.

(*5*) Where any party to a suit is a corporation or a body of persons, whether incorporated or not, empowered by law to sue or be sued, whether in its own name or in the name of any officer of other person, any opposite party may apply for an order allowing him to deliver interrogatories to any member or officer of such corporation or body, and an order may be made accordingly.

(*6*) Any objection to answering any interrogatory on the ground that it is scandalous or irrelevant or not exhibited *bona fide* for the purpose of the suit, or that the matters inquired into are not sufficiently material at that stage, or on the ground of privilege or any other ground may be taken in the affidavit in answer.

(*7*) Any interrogatories may be set aside on the ground that they have been exhibited unreasonably or vexatiously, or struck out on the ground that they are prolix, oppressive, unnecessary or scandalous and any application for this purpose may be made within seven days after service of the interrogatories.

(*8*) Interrogatories shall be answered by affidavit to be filed within ten days, or within such other time as the court may allow.

(*9*) An affidavit in answer to interrogatories shall be in the form provided in Form No. 3 in Appendix C to the Code of Civil Procedure, 1908, with such variations as circumstances may require. 5 of 1908.

(*10*) No exceptions shall be taken to any affidavit in answer, but the sufficiency or otherwise of any such affidavit objected to as insufficient shall be determined by the court.

(*11*) Where any person interrogated omits to answer, or answers insufficiently, the party interrogating may apply to the court for an order requiring him to answer, or to answer further, as the case may be, and an order may be made requiring him to answer, or to answer further, either affidavit or by *viva voce* examination, as the court may direct.

Inspection.

3. (*1*) All parties shall complete inspection of all documents disclosed within thirty days of the date of filing of the written statement or written statement to the counterclaim, whichever is later. The Court may extend this time limit upon application at its discretion, but not beyond thirty days in any event.

(*2*) Any party to the proceedings may seek directions from the Court, at any stage of the proceedings, for inspection or production of documents by the other party, of which inspection has been refused by such party or documents have not been produced despite issuance of a notice to produce.

(*3*) Order in such application shall be disposed of within thirty days of filing such application, including filing replies and rejoinders (if permitted by Court) and hearing.

(*4*) If the above application is allowed, inspection and copies thereof shall be furnished to the party seeking it, within five days of such order.

(*5*) No party shall be permitted to rely on a document, which it had failed to disclose or of which inspection has not been given, save and except with leave of Court.

(*6*) The Court may impose exemplary costs against a defaulting party, who wilfully or negligently failed to disclose all documents pertaining to a suit or essential for a decision therein and which are in their power, possession, control or custody or where a Court holds that inspection or copies of any documents had been wrongfully or unreasonably withheld or refused.

Admission and denial of documents.

4. (*1*) Each party shall submit a statement of admissions or denials of all documents disclosed and of which inspection has been completed, within fifteen days of the completion of inspection or any later date as fixed by the Court.

(*2*) The statement of admissions and denials shall set out explicitly, whether such party was admitting or denying:—

(*a*) correctness of contents of a document;

(*b*) existence of a document;

(*c*) execution of a document;

(*d*) issuance or receipt of a document;

(*e*) custody of a document.

Explanation.—A statement of admission or denial of the existence of a document made in accordance with sub-rule (*2*)(*b*) shall include the admission or denial of the contents of a document.

(*3*) Each party shall set out reasons for denying a document under any of the above grounds and bare and unsupported denials shall not be deemed to be denials of a document and proof of such documents may then be dispensed with at the discretion of the Court.

(*4*) Any party may however submit bare denials for third party documents of which the party denying does not have any personal knowledge of, and to which the party denying is not a party to in any manner whatsoever.

(*5*) An Affidavit in support of the statement of admissions and denials shall be filed confirming the correctness of the contents of the statement.

(*6*) In the event that the Court holds that any party has unduly refused to admit a document under any of the above criteria,– costs (including exemplary costs) for deciding on admissibility of a document may be imposed by the Court on such party.

(*7*) The Court may pass orders with respect to admitted documents including for waiver of further proof thereon or rejection of any documents.

Production of documents.

5. (*1*) Any party to a proceeding may seek or the Court may order, at any time during the pendency of any suit, production by any party or person, of such documents in the possession or power of such party or person, relating to any matter in question in such suit.

(*2*) Notice to produce such document shall be issued in the Form provided in Form No. 7 in Appendix C to the Code of Civil Procedure, 1908.

5 of 1908.

(*3*) Any party or person to whom such notice to produce is issued shall be given not less than seven days and not more than fifteen days to produce such document or to answer to their inability to produce such document.

(*4*) The Court may draw an adverse inference against a party refusing to produce such document after issuance of a notice to produce and where sufficient reasons for such non–production are not given and order costs.

Electronic records.

6. (*1*) In case of disclosures and inspection of Electronic Records (as defined in the Information Technology Act, 2000), furnishing of printouts shall be sufficient compliance of the above provisions.

21 of 2000.

(*2*) At the discretion of the parties or where required (when parties wish to rely on audio or video content), copies of electronic records may be furnished in electronic form either in addition to or in lieu of printouts.

(*3*) Where Electronic Records form part of documents disclosed, the declaration on oath to be filed by a party shall specify—

(*a*) the parties to such Electronic Record;

(*b*) the manner in which such electronic record was produced and by whom;

(*c*) the dates and time of preparation or storage or issuance or receipt of each such electronic record;

(*d*) the source of such electronic record and date and time when the electronic record was printed;

(*e*) in case of email ids, details of ownership, custody and access to such email ids;

(*f*) in case of documents stored on a computer or computer resource (including on external servers or cloud), details of ownership, custody and access to such data on the computer or computer resource;

(*g*) deponent's knowledge of contents and correctness of contents;

(*h*) whether the computer or computer resource used for preparing or receiving or storing such document or data was functioning properly or in case of malfunction that such malfunction did not affect the contents of the document stored;

(*i*) that the printout or copy furnished was taken from the original computer or computer resource.

(*4*) The parties relying on printouts or copy in electronic form, of any electronic records, shall not be required to give inspection of electronic records, provided a declaration is made by such party that each such copy, which has been produced, has been made from the original electronic record.

(*5*) The Court may give directions for admissibility of Electronic Records at any stage of the proceedings.

(*6*) Any party may seek directions from the Court and the Court may of its motion issue directions for submission of further proof of any electronic record including metadata or logs before admission of such electronic record.

Certain provisions of the Code of Civil Procedure, 1908 not to apply.

7. For avoidance of doubt, it is hereby clarified that Order XIII Rule 1, Order VII Rule 14 and Order VIII Rule 1A of the Code of Civil Procedure, 1908 shall not apply to suits or applications before the Commercial Divisions of High Court or Commercial Courts.". 5 of 1908.

Insertion of new Order XIII-A.

5. After Order XIII of the Code, the following Order shall be inserted, namely:—

'ORDER XIII-A

SUMMARY JUDGMENT

Scope of and classes of suits to which this Order applies.

1. (*1*) This Order sets out the procedure by which Courts may decide a claim pertaining to any Commercial Dispute without recording oral evidence.

(*2*) For the purposes of this Order, the word "claim" shall include—

(*a*) part of a claim;

(*b*) any particular question on which the claim (whether in whole or in part) depends; or

(*c*) a counterclaim, as the case may be.

(*3*) Notwithstanding anything to the contrary, an application for summary judgment under this Order shall not be made in a suit in respect of any Commercial Dispute that is originally filed as a summary suit under Order XXXVII.

Stage for application for summary judgment.

2. An applicant may apply for summary judgment at any time after summons has been served on the defendant:

Provided that, no application for summary judgment may be made by such applicant after the Court has framed the issues in respect of the suit.

Grounds for summary judgment.

3. The Court may give a summary judgment against a plaintiff or defendant on a claim if it considers that—

(*a*) the plaintiff has no real prospect of succeeding on the claim or the defendant has no real prospect of successfully defending the claim, as the case may be; and

(*b*) there is no other compelling reason why the claim should not be disposed of before recording of oral evidence.

Procedure.

4. (*1*) An application for summary judgment to a Court shall, in addition to any other matters the applicant may deem relevant, include the matters set forth in sub-clauses (*a*) to (*f*) mentioned hereunder:—

(*a*) the application must contain a statement that it is an application for summary judgment made under this Order;

(*b*) the application must precisely disclose all material facts and identify the point of law, if any;

(*c*) in the event the applicant seeks to rely upon any documentary evidence, the applicant must,—

(*i*) include such documentary evidence in its application, and

(*ii*) identify the relevant content of such documentary evidence on which the applicant relies;

(*d*) the application must state the reason why there are no real prospects of succeeding on the claim or defending the claim, as the case may be;

(*e*) the application must state what relief the applicant is seeking and briefly state the grounds for seeking such relief.

(*2*) Where a hearing for summary judgment is fixed, the respondent must be given at least thirty days' notice of:—

(*a*) the date fixed for the hearing; and

(*b*) the claim that is proposed to be decided by the Court at such hearing.

(*3*) The respondent may, within thirty days of the receipt of notice of application of summary judgment or notice of hearing (whichever is earlier), file a reply addressing the matters set forth in clauses (*a*) to (*f*) mentioned hereunder in addition to any other matters that the respondent may deem relevant:—

(*a*) the reply must precisely—

(*i*) disclose all material facts;

(*ii*) identify the point of law, if any; and

(*iii*) state the reasons why the relief sought by the applicant should not be granted;

(*b*) in the event the respondent seeks to rely upon any documentary evidence in its reply, the respondent must—

(*i*) include such documentary evidence in its reply; and

(*ii*) identify the relevant content of such documentary evidence on which the respondent relies;

(*c*) the reply must state the reason why there are real prospects of succeeding on the claim or defending the claim, as the case may be;

(*d*) the reply must concisely state the issues that should be framed for trial;

(*e*) the reply must identify what further evidence shall be brought on record at trial that could not be brought on record at the stage of summary judgment; and

(*f*) the reply must state why, in light of the evidence or material on record if any, the Court should not proceed to summary judgment.

Evidence for hearing of summary judgment.

5. (*1*) Notwithstanding anything in this Order, if the respondent in an application for summary judgment wishes to rely on additional documentary evidence during the hearing, the respondent must:—

(*a*) file such documentary evidence; and

(*b*) serve copies of such documentary evidence on every other party to the application at least fifteen days prior to the date of the hearing.

(*2*) Notwithstanding anything in this Order, if the applicant for summary judgment wishes to rely on documentary evidence in reply to the defendant's documentary evidence, the applicant must:—

(*a*) file such documentary evidence in reply; and

(*b*) serve a copy of such documentary evidence on the respondent at least five days prior to the date of the hearing.

(*3*) Notwithstanding anything to the contrary, sub-rules (*1*) and (*2*) shall not require documentary evidence to be:—

(*a*) filed if such documentary evidence has already been filed; or

(*b*) served on a party on whom it has already been served.

Orders that may be made by Court.

6. (*1*) On an application made under this Order, the Court may make such orders that it may deem fit in its discretion including the following:—

(*a*) judgment on the claim;

(*b*) conditional order in accordance with Rule 7 mentioned hereunder;

(*c*) dismissing the application;

(*d*) dismissing part of the claim and a judgment on part of the claim that is not dismissed;

(*e*) striking out the pleadings (whether in whole or in part); or

(*f*) further directions to proceed for case management under Order XV-A.

(*2*) Where the Court makes any of the orders as set forth in sub-rule (*1*) (*a*) to (*f*), the Court shall record its reasons for making such order.

Conditional order.

7. (*1*) Where it appears to the Court that it is possible that a claim or defence may succeed but it is improbable that it shall do so, the Court may make a conditional order as set forth in Rule 6 (*1*) (*b*).

(*2*) Where the Court makes a conditional order, it may:—

(*a*) make it subject to all or any of the following conditions:—

(*i*) require a party to deposit a sum of money in the Court;

(*ii*) require a party to take a specified step in relation to the claim or defence, as the case may be;

(*iii*) require a party, as the case may be, to give such security or provide such surety for restitution of costs as the Court deems fit and proper;

(*iv*) impose such other conditions, including providing security for restitution of losses that any party is likely to suffer during the pendency of the suit, as the Court may deem fit in its discretion; and

(*b*) specify the consequences of the failure to comply with the conditional order, including passing a judgment against the party that have not complied with the conditional order.

Power to impose costs.

8. The Court may make an order for payment of costs in an application for summary judgment in accordance with the provisions of sections 35 and 35A of the Code.'.

Omission of Order XV.

6. Order XV of the Code shall be omitted.

Insertion of Order XV-A.

7. After Order XV of the Code, the following Order shall be inserted, namely:—

"ORDER XV-A

CASE MANAGEMENT HEARING

First Case Management Hearing.

1. The Court shall hold the first Case Management Hearing, not later than four weeks from the date of filing of affidavit of admission or denial of documents by all parties to the suit.

Orders to be passed in a Case Management Hearing.

2. In a Case Management Hearing, after hearing the parties, and once it finds that there are issues of fact and law which require to be tried, the Court may pass an order—

5 of 1908.

(*a*) framing the issues between the parties in accordance with Order XIV of the Code of Civil Procedure, 1908 after examining pleadings, documents and documents produced before it, and on examination conducted by the Court under Rule 2 of Order X, if required;

(*b*) listing witnesses to be examined by the parties;

(*c*) fixing the date by which affidavit of evidence to be filed by parties;

(*d*) fixing the date on which evidence of the witnesses of the parties to be recorded;

(*e*) fixing the date by which written arguments are to be filed before the Court by the parties;

(*f*) fixing the date on which oral arguments are to be heard by the Court; and

(*g*) setting time limits for parties and their advocates to address oral arguments.

Time limit for the completion of a trial.

3. In fixing dates or setting time limits for the purposes of Rule 2 of this Order, the Court shall ensure that the arguments are closed not later than six months from the date of the first Case Management Hearing.

Recording of oral evidence on a day-to-day basis.

4. The Court shall, as far as possible, ensure that the recording of evidence shall be carried on, on a day-to-day basis until the cross-examination of all the witnesses is complete.

Case Management Hearings during a trial.

5. The Court may, if necessary, also hold Case Management Hearings anytime during the trial to issue appropriate orders so as to ensure adherence by the parties to the dates fixed under Rule 2 and facilitate speedy disposal of the suit.

Powers of the Court in a Case Management Hearing.

6. (*1*) In any Case Management Hearing held under this Order, the Court shall have the power to—

(*a*) prior to the framing of issues, hear and decide any pending application filed by the parties under Order XIII-A;

(*b*) direct parties to file compilations of documents or pleadings relevant and necessary for framing issues;

(*c*) extend or shorten the time for compliance with any practice, direction or Court order if it finds sufficient reason to do so;

(*d*) adjourn or bring forward a hearing if it finds sufficient reason to do so;

(*e*) direct a party to attend the Court for the purposes of examination under Rule 2 of Order X;

(*f*) consolidate proceedings;

(*g*) strike off the name of any witness or evidence that it deems irrelevant to the issues framed;

(*h*) direct a separate trial of any issue;

(*i*) decide the order in which issues are to be tried;

(*j*) exclude an issue from consideration;

(*k*) dismiss or give judgment on a claim after a decision on a preliminary issue;

(*l*) direct that evidence be recorded by a Commission where necessary in accordance with Order XXVI;

(*m*) reject any affidavit of evidence filed by the parties for containing irrelevant, inadmissible or argumentative material;

(*n*) strike off any parts of the affidavit of evidence filed by the parties containing irrelevant, inadmissible or argumentative material;

(*o*) delegate the recording of evidence to such authority appointed by the Court for this purpose;

(*p*) pass any order relating to the monitoring of recording the evidence by a commission or any other authority;

(*q*) order any party to file and exchange a costs budget;

(*r*) issue directions or pass any order for the purpose of managing the case and furthering the overriding objective of ensuring the efficient disposal of the suit.

(*2*) When the Court passes an order in exercise of its powers under this Order, it may—

(*a*) make it subject to conditions, including a condition to pay a sum of money into Court; and

(*b*) specify the consequence of failure to comply with the order or a condition.

(*3*) While fixing the date for a Case Management Hearing, the Court may direct that the parties also be present for such Case Management Hearing, if it is of the view that there is a possibility of settlement between the parties.

Adjournment of Case Management Hearing.

7. (*1*) The Court shall not adjourn the Case Management Hearing for the sole reason that the advocate appearing on behalf of a party is not present:

Provided that an adjournment of the hearing is sought in advance by moving an application, the Court may adjourn the hearing to another date upon the payment of such costs as the Court deems fit, by the party moving such application.

(*2*) Notwithstanding anything contained in this Rule, if the Court is satisfied that there is a justified reason for the absence of the advocate, it may adjourn the hearing to another date upon such terms and conditions it deems fit.

Consequences of non-compliance with orders.

8. Where any party fails to comply with the order of the Court passed in a Case Management Hearing, the Court shall have the power to—

(*a*) condone such non-compliance by payment of costs to the Court;

(*b*) foreclose the non-compliant party's right to file affidavits, conduct cross-examination of witnesses, file written submissions, address oral arguments or make further arguments in the trial, as the case may be, or

(*c*) dismiss the plaint or allow the suit where such non-compliance is wilful, repeated and the imposition of costs is not adequate to ensure compliance.".

Amendment of Order XVIII.

8. In Order XVIII of the Code, in Rule 2, for sub-rules (*3A*), (*3B*), (*3C*), (*3D*), (*3E*) and (*3F*), the following shall be substituted, namely:—

"(*3A*) A party shall, within four weeks prior to commencing the oral arguments, submit concisely and under distinct headings written arguments in support of his case to the Court and such written arguments shall form part of the record.

(*3B*) The written arguments shall clearly indicate the provisions of the laws being cited in support of the arguments and the citations of judgments being relied upon by the party and include copies of such judgments being relied upon by the party.

(*3C*) A copy of such written arguments shall be furnished simultaneously to the opposite party.

(*3D*) The Court may, if it deems fit, after the conclusion of arguments, permit the parties to file revised written arguments within a period of not more than one week after the date of conclusion of arguments.

(*3E*) No adjournment shall be granted for the purpose of filing the written arguments unless the Court, for reasons to be recorded in writing, considers it necessary to grant such adjournment.

(*3F*) It shall be open for the Court to limit the time for oral submissions having regard to the nature and complexity of the matter.".

Amendment of Order XVIII.

9. In Order XVIII of the Code, in Rule 4, after sub-rule (*1*), the following sub-rules shall be inserted, namely:—

"(*1A*) The affidavits of evidence of all witnesses whose evidence is proposed to be led by a party shall be filed simultaneously by that party at the time directed in the first Case Management Hearing.

(*1B*) A party shall not lead additional evidence by the affidavit of any witness (including of a witness who has already filed an affidavit) unless sufficient cause is made out in an application for that purpose and an order, giving reasons, permitting such additional affidavit is passed by the Court.

(*1C*) A party shall however have the right to withdraw any of the affidavits so filed at any time prior to commencement of cross-examination of that witness, without any adverse inference being drawn based on such withdrawal:

Provided that any other party shall be entitled to tender as evidence and rely upon any admission made in such withdrawn affidavit.".

Amendment to Order XIX.

10. In Order XIX of the Code, after Rule 3, the following Rules shall be inserted, namely:—

Court may control evidence.

"4. (*1*) The Court may, by directions, regulate the evidence as to issues on which it requires evidence and the manner in which such evidence may be placed before the Court.

(*2*) The Court may, in its discretion and for reasons to be recorded in writing, exclude evidence that would otherwise be produced by the parties.".

Redacting or rejecting evidence.

5. A Court may, in its discretion, for reasons to be recorded in writing—

(*i*) redact or order the redaction of such portions of the affidavit of examination-in-chief as do not, in its view, constitute evidence; or

(*ii*) return or reject an affidavit of examination-in-chief as not constituting admissible evidence.

Format and guidelines of affidavit of evidence.

6. An affidavit must comply with the form and requirements set forth below:—

(*a*) such affidavit should be confined to, and should follow the chronological sequence of, the dates and events that are relevant for proving any fact or any other matter dealt with;

(*b*) where the Court is of the view that an affidavit is a mere reproduction of the pleadings, or contains the legal grounds of any party's case, the Court may, by order, strike out the affidavit or such parts of the affidavit, as it deems fit and proper;

(*c*) each paragraph of an affidavit should, as far as possible, be confined to a distinct portion of the subject;

(*d*) an affidavit shall state—

(*i*) which of the statements in it are made from the deponent's own knowledge and which are matters of information or belief; and

(*ii*) the source for any matters of information or belief;

(*e*) an affidavit should—

(*i*) have the pages numbered consecutively as a separate document (or as one of several documents contained in a file);

(*ii*) be divided into numbered paragraphs;

(*iii*) have all numbers, including dates, expressed in figures; and

(*iv*) if any of the documents referred to in the body of the affidavit are annexed to the affidavit or any other pleadings, give the annexures and page numbers of such documents that are relied upon.".

Amendment of Order XX.

11. In Order XX of the Code, for Rule 1, the following Rule shall be substituted, namely:—

"(*1*) The Commercial Court, Commercial Division, or Commercial Appellate Division, as the case may be, shall, within ninety days of the conclusion of arguments, pronounce judgment and copies thereof shall be issued to all the parties to the dispute through electronic mail or otherwise.".

Bhopal, the 24th February, 2016

No. 3343-42-XXI-A(Dr.).—The following Act of the Parliament, published in the Gazette of India Extra-ordinary Part II Section 1 dated the 1st January, 2016 is hereby republished for general information. The Bill as passed by the House of Parliament received the assent of the President on 31st December, 2015.

By order and in the name of the Governor of Madhya Pradesh,
RAJESH YADAV, Addl. Secy.

THE ARBITRATION AND CONCILIATION (AMENDMENT) ACT, 2015

(As Passed by the Houses of Parliament)

An Act

to amend the Arbitration and Conciliation Act, 1996.

Be it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Arbitration and Conciliation (Amendment) Act, 2015.

(*2*) It shall be deemed to have come into force on the 23rd October, 2015.

Amendment of section 2.

26 of 1996.

2. In the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the principal Act), in section 2,—

(*1*) in sub-section (*1*),—

(*a*) for clause (*e*), the following clause shall be substituted, namely:—

'(*e*) "Court" means—

(*i*) in the case of an arbitration other than international commercial arbitration, the principal Civil Court of original

jurisdiction in a district, and includes the High Court in exercise of its ordinary original civil jurisdiction, having jurisdiction to decide the questions forming the subject-matter of the arbitration if the same had been the subject-matter of a suit, but does not include any Civil Court of a grade inferior to such principal Civil Court, or any Court of Small Causes;

(*ii*) in the case of international commercial arbitration, the High Court in exercise of its ordinary original civil jurisdiction, having jurisdiction to decide the questions forming the subject-matter of the arbitration if the same had been the subject-matter of a suit, and in other cases, a High Court having jurisdiction to hear appeals from decrees of courts subordinate to that High Court;';

(*B*) in clause (*f*), in sub-clause (*iii*), the words "a company or" shall be omitted;

(*II*) in sub-section (*2*), the following proviso shall be inserted, namely:—

"Provided that subject to an agreement to the contrary, the provisions of sections 9, 27 and clause (*a*) of sub-section (*1*) and sub-section (*3*) of section 37 shall also apply to international commercial arbitration, even if the place of arbitration is outside India, and an arbitral award made or to be made in such place is enforceable and recognised under the provisions of Part II of this Act.".

Amendment of section 7.

3. In section 7 of the principal Act, in sub-section (*4*), in clause (*b*), after the words "or other means of telecommunication", the words "including communication through electronic means" shall be inserted.

Amendment of section 8.

4. In section 8 of the principal Act,—

(*i*) for sub-section (*1*), the following sub-section shall be substituted, namely:—

"(*1*) A judicial authority, before which an action is brought in a matter which is the subject of an arbitration agreement shall, if a party to the arbitration agreement or any person claiming through or under him, so applies not later than the date of submitting his first statement on the substance of the dispute, then, notwithstanding any judgment, decree or order of the Supreme Court or any Court, refer the parties to arbitration unless it finds that *prima facie* no valid arbitration agreement exists.";

(*ii*) in sub-section (*2*), the following proviso shall be inserted, namely:—

"Provided that where the original arbitration agreement or a certified copy thereof is not available with the party applying for reference to arbitration under sub-section (*1*), and the said agreement or certified copy is retained by the other party to that agreement, then, the party so applying shall file such application along with a copy of the arbitration agreement and a petition praying the Court to call upon the other party to produce the original arbitration agreement or its duly certified copy before that Court.".

Amendment of section 9.

5. Section 9 of the principal Act shall be renumbered as sub-section (*1*) thereof, and after sub-section (*1*) as so renumbered, the following sub-sections shall be inserted, namely:—

"(*2*) Where, before the commencement of the arbitral proceedings, a Court passes an order for any interim measure of protection under sub-section (*1*), the arbitral proceedings shall be commenced within a period of ninety days from the date of such order or within such further time as the Court may determine.

(*3*) Once the arbitral tribunal has been constituted, the Court shall not entertain an application under sub-section (*1*), unless the Court finds that circumstances exist which may not render the remedy provided under section 17 efficacious.".

Amendment of section 11.

6. In section 11 of the principal Act,—

(*i*) in sub-sections (*4*), (*5*) and (*6*), for the words "the Chief Justice or any person or institution designated by him" wherever they occur, the words "the Supreme Court or, as the case may be, the High Court or any person or institution designated by such Court" shall be substituted;

(*ii*) after sub-section (*6*), the following sub-sections shall be inserted, namely:—

"(*6A*) The Supreme Court or, as the case may be, the High Court, while considering any application under sub-section (*4*) or sub-section (*5*) or sub-section (*6*), shall, notwithstanding any judgment, decree or order of any Court, confine to the examination of the existence of an arbitration agreement.

(*6B*) The designation of any person or institution by the Supreme Court or, as the case may be, the High Court, for the purposes of this section shall not be regarded as a delegation of judicial power by the Supreme Court or the High Court.";

(*iii*) in sub-section (*7*), for the words "the Chief Justice or the person or institution designated by him is final", the words "the Supreme Court or, as the case may be, the High Court or the person or institution designated by such Court is final and no appeal including Letters Patent Appeal shall lie against such decision" shall be substituted;

(*iv*) for sub-section (*8*), the following sub-section shall be substituted, namely:—

"(*8*) The Supreme Court or, as the case may be, the High Court or the person or institution designated by such Court, before appointing an arbitrator, shall seek a disclosure in writing from the prospective arbitrator in terms of sub-section (*1*) of section 12, and have due regard to—

(*a*) any qualifications required for the arbitrator by the agreement of the parties; and

(*b*) the contents of the disclosure and other considerations as are likely to secure the appointment of an independent and impartial arbitrator.";

(*v*) in sub-section (*9*), for the words "the Chief Justice of India or the person or institution designated by him", the words "the Supreme Court or the person or institution designated by that Court" shall be substituted;

(*vi*) for sub-section (*10*), the following sub-section shall be substituted, namely:—

"(*10*) The Supreme Court or, as the case may be, the High Court, may make such scheme as the said Court may deem appropriate for dealing with matters entrusted by sub-section (*4*) or sub-section (*5*) or sub-section (*6*), to it.";

(*vii*) in sub-section (*11*), for the words "the Chief Justices of different High Courts or their designates, the Chief Justice or his designate to whom the request has been first made", the words "different High Courts or their designates, the High Court or its designate to whom the request has been first made" shall be substituted;

(*viii*) for sub-section (*12*), the following sub-section shall be substituted, namely:—

'(*12*) (*a*) Where the matters referred to in sub-sections (*4*), (*5*), (*6*), (*7*), (*8*) and sub-section (*10*) arise in an international commercial arbitration, the reference to the "Supreme Court or, as the case may be, the High Court" in those sub-sections shall be construed as a reference to the "Supreme Court"; and

(*b*) where the matters referred to in sub-sections (*4*), (*5*), (*6*), (*7*), (*8*) and sub-section (*10*) arise in any other arbitration, the reference to "the Supreme Court or, as the case may be, the High Court" in those sub-sections shall be construed as a reference to the "High Court" within whose local limits the principal Civil Court referred to in clause (*e*) of sub-section (*1*) of section 2 is situate, and where the High Court itself is the Court referred to in that clause, to that High Court.';

(*ix*) after sub-section (*12*), the following sub-sections shall be inserted, namely:—

"(*13*) An application made under this section for appointment of an arbitrator or arbitrators shall be disposed of by the Supreme Court or the High Court or the person or institution designated by such Court, as the case may be, as expeditiously as possible and an endeavour shall be made to dispose of the matter within a period of sixty days from the date of service of notice on the opposite party.

(*14*) For the purpose of determination of the fees of the arbitral tribunal and the manner of its payment to the arbitral tribunal, the High Court may frame such rules as may be necessary, after taking into consideration the rates specified in the Fourth Schedule.

Explanation.—For the removal of doubts, it is hereby clarified that this sub-section shall not apply to international commercial arbitration and in arbitrations (other than international commercial arbitration) in case where parties have agreed for determination of fees as per the rules of an arbitral institution.".

Insertion of new section 11A.

Power of Central Government to amend Fourth Schedule.

7. After section 11 of the principal Act, the following new section shall be inserted, namely:—

"11A. (*1*) If the Central Government is satisfied that it is necessary or expedient so to do, it may, by notification in the Official Gazette, amend the Fourth Schedule and thereupon the Fourth Schedule shall be deemed to have been amended accordingly.

(*2*) A copy of every notification proposed to be issued under sub-section (*1*), shall be laid in draft before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in disapproving the issue of the notification or both Houses agree in making any modification in the notification, the notification shall not be issued or, as the case may be, shall be issued only in such modified form as may be agreed upon by the both Houses of Parliament.".

Amendment of section 12.

8. In section 12 of the principal Act,—

(*i*) for sub-section (*1*), the following sub-section shall be substituted, namely:—

"(*1*) When a person is approached in connection with his possible appointment as an arbitrator, he shall disclose in writing any circumstances,—

(*a*) such as the existence either direct or indirect, of any past or present relationship with or interest in any of the parties or in relation to the subject-matter in dispute, whether financial, business, professional or other kind, which is likely to give rise to justifiable doubts as to his independence or impartiality; and

(*b*) which are likely to affect his ability to devote sufficient time to the arbitration and in particular his ability to complete the entire arbitration within a period of twelve months.

Explanation 1.—The grounds stated in the Fifth Schedule shall guide in determining whether circumstances exist which give rise to justifiable doubts as to the independence or impartiality of an arbitrator.

Explanation 2.—The disclosure shall be made by such person in the form specified in the Sixth Schedule.";

(*ii*) after sub-section (*4*), the following sub-section shall be inserted, namely:—

"(*5*) Notwithstanding any prior agreement to the contrary, any person whose relationship, with the parties or counsel or the subject-matter of the dispute, falls under any of the categories specified in the Seventh Schedule shall be ineligible to be appointed as an arbitrator:

Provided that parties may, subsequent to disputes having arisen between them, waive the applicability of this sub-section by an express agreement in writing.

Amendment of section 14.

9. In section 14 of the principal Act, in sub-section (*1*), in the opening portion, for the words "The mandate of an arbitrator shall terminate if", the words "The mandate of an arbitrator shall terminate and he shall be substituted by another arbitrator, if" shall be substituted.

Substitution of new section for section 17.

10. For section 17 of the principal Act, the following section shall be substituted, namely:—

Interim measures ordered by arbitral tribunal.

"17. (*1*) A party may, during the arbitral proceedings or at any time after the making of the arbitral award but before it is enforced in accordance with section 36, apply to the arbitral tribunal—

(*i*) for the appointment of a guardian for a minor or person of unsound mind for the purposes of arbitral proceedings; or

(*ii*) for an interim measure of protection in respect of any of the following matters, namely:—

(*a*) the preservation, interim custody or sale of any goods which are the subject-matter of the arbitration agreement;

(*b*) securing the amount in dispute in the arbitration;

(*c*) the detention, preservation or inspection of any property or thing which is the subject-matter of the dispute in arbitration, or as to which any question may arise therein and authorising for any of the aforesaid purposes any person to enter upon any land or building in the possession of any party, or authorising any samples to be taken, or any observation to be made, or experiment to be tried, which may be necessary or expedient for the purpose of obtaining full information or evidence;

(*d*) interim injunction or the appointment of a receiver;

(*e*) such other interim measure of protection as may appear to the arbitral tribunal to be just and convenient,

and the arbitral tribunal shall have the same power for making orders, as the court has for the purpose of, and in relation to, any proceedings before it.

(*2*) Subject to any orders passed in an appeal under section 37, any order issued by the arbitral tribunal under this section shall be deemed to be an order of the Court for all purposes and shall be enforceable under the Code of Civil Procedure, 1908, in the same manner as if it were an order of the Court.". 5 of 1908

Amendment of section 23.

11. In section 23 of the principal Act, after sub-section (*2*), the following sub-section shall be inserted, namely:—

"(*2A*) The respondent, in support of his case, may also submit a counterclaim or plead a set-off, which shall be adjudicated upon by the arbitral tribunal, if such counterclaim or set-off falls within the scope of the arbitration agreement.".

Amendment of section 24.

12. In section 24 of the principal Act, after the proviso to sub-section (*1*), the following proviso shall be inserted, namely:—

"Provided further that the arbitral tribunal shall, as far as possible, hold oral hearings for the presentation of evidence or for oral argument on day-to-day basis, and not grant any adjournments unless sufficient cause is made out, and may impose costs including exemplary costs on the party seeking adjournment without any sufficient cause.".

Amendment of section 25.

13. In section 25 of the principal Act, in clause (*b*), at the end, after the words "allegations by the claimant", the words "and shall have the discretion to treat the right of the respondent to file such statement of defence as having been forfeited" shall be inserted.

Amendment of section 28.

14. In section 28 of the principal Act, for sub-section (*3*), the following sub-section shall be substituted, namely:—

"(*3*) While deciding and making an award, the arbitral tribunal shall, in all cases, take into account the terms of the contract and trade usages applicable to the transaction.".

Insertion of new sections 29A and 29B.

15. After section 29 of the principal Act, the following new sections shall be inserted, namely:—

Time limit for arbitral award.

"29A. (*1*) The award shall be made within a period of twelve months from the date the arbitral tribunal enters upon the reference.

Explanation.—For the purpose of this sub-section, an arbitral tribunal shall be deemed to have entered upon the reference on the date on which the arbitrator or all the arbitrators, as the case may be, have received notice, in writing, of their appointment.

(*2*) If the award is made within a period of six months from the date the arbitral tribunal enters upon the reference, the arbitral tribunal shall be entitled to receive such amount of additional fees as the parties may agree.

(*3*) The parties may, by consent, extend the period specified in sub-section (*1*) for making award for a further period not exceeding six months.

(*4*) If the award is not made within the period specified in sub-section (*1*) or the extended period specified under sub-section (*3*), the mandate of the arbitrator(s) shall terminate unless the Court has, either prior to or after the expiry of the period so specified, extended the period:

Provided that while extending the period under this sub-section, if the Court finds that the proceedings have been delayed for the reasons attributable to the arbitral tribunal, then, it may order reduction of fees of arbitrator(s) by not exceeding five per cent. for each month of such delay.

(*5*) The extension of period referred to in sub-section (*4*) may be on the application of any of the parties and may be granted only for sufficient cause and on such terms and conditions as may be imposed by the Court.

(*6*) While extending the period referred to in sub-section (*4*), it shall be open to the Court to substitute one or all of the arbitrators and if one or all of the arbitrators are substituted, the arbitral proceedings shall continue from the stage already reached and on the basis of the evidence and material already on record, and the arbitrator(s) appointed under this section shall be deemed to have received the said evidence and material.

(*7*) In the event of arbitrator(s) being appointed under this section, the arbitral tribunal thus reconstituted shall be deemed to be in continuation of the previously appointed arbitral tribunal.

(*8*) It shall be open to the Court to impose actual or exemplary costs upon any of the parties under this section.

(*9*) An application filed under sub-section (*5*) shall be disposed of by the Court as expeditiously as possible and endeavour shall be made to dispose of the matter within a period of sixty days from the date of service of notice on the opposite party.

Fast track procedure.

29B. (*1*) Notwithstanding anything contained in this Act, the parties to an arbitration agreement, may, at any stage either before or at the time of appointment of the arbitral tribunal, agree in writing to have their dispute resolved by fast track procedure specified in sub-section (*3*).

(*2*) The parties to the arbitration agreement, while agreeing for resolution of dispute by fast track procedure, may agree that the arbitral tribunal shall consist of a sole arbitrator who shall be chosen by the parties.

(*3*) The arbitral tribunal shall follow the following procedure while conducting arbitration proceedings under sub-section (*1*):

(*a*) The arbitral tribunal shall decide the dispute on the basis of written pleadings, documents and submissions filed by the parties without any oral hearing;

(*b*) The arbitral tribunal shall have power to call for any further information or clarification from the parties in addition to the pleadings and documents filed by them;

(*c*) An oral hearing may be held only, if, all the parties make a request or if the arbitral tribunal considers it necessary to have oral hearing for clarifying certain issues;

(*d*) The arbitral tribunal may dispense with any technical formalities, if an oral hearing is held, and adopt such procedure as deemed appropriate for expeditious disposal of the case.

(*4*) The award under this section shall be made within a period of six months from the date the arbitral tribunal enters upon the reference.

(*5*) If the award is not made within the period specified in sub-section (*4*), the provisions of sub-sections (*3*) to (*9*) of section 29A shall apply to the proceedings.

(*6*) The fees payable to the arbitrator and the manner of payment of the fees shall be such as may be agreed between the arbitrator and the parties.".

Amendment of section 31.

16. In section 31 of the principal Act,—

(*i*) in sub-section (*7*), for clause (*b*), the following clause shall be substituted, namely:—

'(*b*) A sum directed to be paid by an arbitral award shall, unless the award otherwise directs, carry interest at the rate of two per cent. higher than the current rate of interest prevalent on the date of award, from the date of award to the date of payment.

Explanation.—The expression "current rate of interest" shall have the same meaning as assigned to it under clause (*b*) of section 2 of the Interest Act, 1978.';

14 of 1978.

(*ii*) for sub-section (*8*), the following sub-section shall be substituted, namely:—

"(*8*) The costs of an arbitration shall be fixed by the arbitral tribunal in accordance with section 31A.".

Insertion of new section 31A.

17. After section 31 of the principal Act, the following new section shall be inserted, namely:—

Regime for costs.

'31A. (*1*) In relation to any arbitration proceeding or a proceeding under any of the provisions of this Act pertaining to the arbitration, the Court or arbitral tribunal, notwithstanding anything contained in the Code of Civil Procedure, 1908, shall have the discretion to determine— 5 of 1908.

(*a*) whether costs are payable by one party to another;

(*b*) the amount of such costs; and

(*c*) when such costs are to be paid.

Explanation.—For the purpose of this sub-section, "costs" means reasonable costs relating to—

(*i*) the fees and expenses of the arbitrators, Courts and witnesses;

(*ii*) legal fees and expenses;

(*iii*) any administration fees of the institution supervising the arbitration; and

(*iv*) any other expenses incurred in connection with the arbitral or Court proceedings and the arbitral award.

(*2*) If the Court or arbitral tribunal decides to make an order as to payment of costs,—

(*a*) the general rule is that the unsuccessful party shall be ordered to pay the costs of the successful party; or

(*b*) the Court or arbitral tribunal may make a different order for reasons to be recorded in writing.

(*3*) In determining the costs, the Court or arbitral tribunal shall have regard to all the circumstances, including—

(*a*) the conduct of all the parties;

(*b*) whether a party has succeeded partly in the case;

(*c*) whether the party had made a frivolous counterclaim leading to delay in the disposal of the arbitral proceedings; and

(*d*) whether any reasonable offer to settle the dispute is made by a party and refused by the other party.

(*4*) The Court or arbitral tribunal may make any order under this section including the order that a party shall pay—

(*a*) a proportion of another party's costs;

(*b*) a stated amount in respect of another party's costs;

(*c*) costs from or until a certain date only;

(*d*) costs incurred before proceedings have begun;

(*e*) costs relating to particular steps taken in the proceedings;

(*f*) costs relating only to a distinct part of the proceedings; and

(*g*) interest on costs from or until a certain date.

(*5*) An agreement which has the effect that a party is to pay the whole or part of the costs of the arbitration in any event shall be only valid if such agreement is made after the dispute in question has arisen.'.

Amendment o section 34.

18. In section 34 of the principal Act,—

(*I*) in sub-section (*2*), in clause (*b*), for the *Explanation*, the following *Explanations* shall be substituted, namely:—

"*Explanation* 1.—For the avoidance of any doubt, it is clarified that an award is in conflict with the public policy of India, only if,—

(*i*) the making of the award was induced or affected by fraud or corruption or was in violation of section 75 or section 81; or

(*ii*) it is in contravention with the fundamental policy of Indian law; or

(*iii*) it is in conflict with the most basic notions of morality or justice.

Explanation 2.—For the avoidance of doubt, the test as to whether there is a contravention with the fundamental policy of Indian law shall not entail a review on the merits of the dispute.";

(*II*) after sub-section (*2*), the following sub-section shall be inserted, namely:—

"(*2A*) An arbitral award arising out of arbitrations other than international commercial arbitrations, may also be set aside by the Court, if the Court finds that the award is vitiated by patent illegality appearing on the face of the award:

Provided that an award shall not be set aside merely on the ground of an erroneous application of the law or by reappreciation of evidence.";

(*III*) after sub-section (*4*), the following sub-sections shall be inserted, namely:—

"(*5*) An application under this section shall be filed by a party only after issuing a prior notice to the other party and such application shall be accompanied by an affidavit by the applicant endorsing compliance with the said requirement.

(*6*) An application under this section shall be disposed of expeditiously, and in any event, within a period of one year from the date on which the notice referred to in sub-section (*5*) is served upon the other party.".

Substitution of new section for section 36.

19. For section 36 of the principal Act, the following section shall be substituted, namely:—

Enforcement.

"36. (*1*) Where the time for making an application to set aside the arbitral award under section 34 has expired, then, subject to the provisions of sub-section (*2*), such award shall be enforced in accordance with the provisions of the Code of Civil Procedure, 1908, in the same manner as if it were a decree of the court.

5 of 1908.

(*2*) Where an application to set aside the arbitral award has been filed in the Court under section 34, the filing of such an application shall not by itself render that award unenforceable, unless the Court grants an order of stay of the operation of the said arbitral award in accordance with the provisions of sub-section (*3*), on a separate application made for that purpose.

(*3*) Upon filing of an application under sub-section (*2*) for stay of the operation of the arbitral award, the Court may, subject to such conditions as it may deem fit, grant stay of the operation of such award for reasons to be recorded in writing:

Provided that the Court shall, while considering the application for grant of stay in the case of an arbitral award for payment of money, have due regard to the provisions for grant of stay of a money decree under the provisions of the Code of Civil Procedure, 1908.". 5 of 1908.

Amendment of section 37.

20. In section 37 of the principal Act, in sub-section (*1*), for clauses (*a*) and (*b*), the following clauses shall be substituted, namely:—

"(*a*) refusing to refer the parties to arbitration under section 8;

(*b*) granting or refusing to grant any measure under section 9;

(*c*) setting aside or refusing to set aside an arbitral award under section 34.".

Amendment of section 47.

21. In section 47 of the principal Act, for the *Explanation*, the following *Explanation* shall be substituted, namely:—

'*Explanation.*—In this section and in the sections following in this Chapter, "Court" means the High Court having original jurisdiction to decide the questions forming the subject-matter of the arbitral award if the same had been the subject-matter of a suit on its original civil jurisdiction and in other cases, in the High Court having jurisdiction to hear appeals from decrees of courts subordinate to such High Court.'.

Amendment of section 48.

22. In section 48 of the principal Act, for the *Explanation* to sub-section (*2*), the following *Explanations* shall be substituted, namely:—

"*Explanation* 1.—For the avoidance of any doubt, it is clarified that an award is in conflict with the public policy of India, only if,—

(*i*) the making of the award was induced or affected by fraud or corruption or was in violation of section 75 or section 81; or

(*ii*) it is in contravention with the fundamental policy of Indian law; or

(*iii*) it is in conflict with the most basic notions of morality or justice.

Explanation 2.—For the avoidance of doubt, the test as to whether there is a contravention with the fundamental policy of Indian law shall not entail a review on the merits of the dispute.".

Amendment of section 56.

23. In section 56 of the principal Act, for the *Explanation*, the following *Explanation* shall be substituted, namely:—

'*Explanation.*—In this section and in the sections following in this Chapter, "Court" means the High Court having original jurisdiction to decide the questions forming the subject-matter of the arbitral award if the same had been the subject-matter of a suit on its original civil jurisdiction and in other cases, in the High Court having jurisdiction to hear appeals from decrees of courts subordinate to such High Court.'.

Amendment of section 57.

24. In section 57 of the principal Act, in sub-section (*1*), for the *Explanation,* the following *Explanations* shall be substituted, namely:—

"*Explanation* 1.—For the avoidance of any doubt, it is clarified that an award is in conflict with the public policy of India, only if,—

(*i*) the making of the award was induced or affected by fraud or corruption or was in violation of section 75 or section 81; or

(*ii*) it is in contravention with the fundamental policy of Indian law; or

(*iii*) it is in conflict with the most basic notions of morality or justice.

Explanation 2.—For the avoidance of doubt, the test as to whether there is a contravention with the fundamental policy of Indian law shall not entail a review on the merits of the dispute.".

Insertion of new Fourth Schedule, Fifth Schedule, Sixth Schedule and Seventh Schedule.

25. After the Third Schedule to the principal Act, the following new Schedules shall be inserted, namely:—

'THE FOURTH SCHEDULE

[*See* section 11 (*14*)]

Sum in dispute	Model fee
Up to Rs. 5,00,000	Rs. 45,000
Above Rs. 5,00,000 and up to Rs. 20,00,000	Rs. 45,000 plus 3.5 per cent. of the claim amount over and above Rs. 5,00,000
Above Rs. 20,00,000 and up to Rs. 1,00,00,000	Rs. 97,500 plus 3 per cent. of the claim amount over and above Rs. 20,00,000
Above Rs. 1,00,00,000 and up to Rs. 10,00,00,000	Rs. 3,37,500 plus 1 per cent. of the claim amount over and above Rs. 1,00,00,000
Above Rs. 10,00,00,000 and up to Rs. 20,00,00,000	Rs. 12,37,500 plus 0.75 per cent. of the claim amount over and above Rs. 1,00,00,000
Above Rs. 20,00,00,000	Rs. 19,87,500 plus 0. 5 per cent. of the claim amount over and above Rs. 20,00,00,000 with a ceiling of Rs. 30,00,000

Note:—In the event, the arbitral tribunal is a sole arbitrator, he shall be entitled to an additional amount of twenty-five per cent. on the fee payable as per the table set out above.

THE FIFTH SCHEDULE

[*See* section 12 (*1*)(*b*)]

The following grounds give rise to justifiable doubts as to the independence or impartiality of arbitrators:

Arbitrator's relationship with the parties or counsel

1. The arbitrator is an employee, consultant, advisor or has any other past or present business relationship with a party.

2. The arbitrator currently represents or advises one of the parties or an affiliate of one of the parties.

3. The arbitrator currently represents the lawyer or law firm acting as counsel for one of the parties.

4. The arbitrator is a lawyer in the same law firm which is representing one of the parties.

5. The arbitrator is a manager, director or part of the management, or has a similar controlling influence, in an affiliate of one of the parties if the affiliate is directly involved in the matters in dispute in the arbitration.

6. The arbitrator's law firm had a previous but terminated involvement in the case without the arbitrator being involved himself or herself.

7. The arbitrator's law firm currently has a significant commercial relationship with one of the parties or an affiliate of one of the parties.

8. The arbitrator regularly advises the appointing party or an affiliate of the appointing party even though neither the arbitrator nor his or her firm derives a significant financial income therefrom.

9. The arbitrator has a close family relationship with one of the parties and in the case of companies with the persons in the management and controlling the company.

10. A close family member of the arbitrator has a significant financial interest in one of the parties or an affiliate of one of the parties.

11.The arbitrator is a legal representative of an entity that is a party in the arbitration.

12. The arbitrator is a manager, director or part of the management, or has a similar controlling influence in one of the parties.

13. The arbitrator has a significant financial interest in one of the parties or the outcome of the case.

14. The arbitrator regularly advises the appointing party or an affiliate of the appointing party, and the arbitrator or his or her firm derives a significant financial income therefrom.

Relationship of the arbitrator to the dispute

15. The arbitrator has given legal advice or provided an expert opinion on the dispute to a party or an affiliate of one of the parties.

16. The arbitrator has previous involvement in the case.

Arbitrator's direct or indirect interest in the dispute

17. The arbitrator holds shares, either directly or indirectly, in one of the parties or an affiliate of one of the parties that is privately held.

18. A close family member of the arbitrator has a significant financial interest in the outcome of the dispute.

19. The arbitrator or a close family member of the arbitrator has a close relationship with a third party who may be liable to recourse on the part of the unsuccessful party in the dispute.

Previous services for one of the parties or other involvement in the case

20. The arbitrator has within the past three years served as counsel for one of the parties or an affiliate of one of the parties or has previously advised or been consulted by the party or an affiliate of the party making the appointment in an unrelated matter, but the arbitrator and the party or the affiliate of the party have no ongoing relationship.

21. The arbitrator has within the past three years served as counsel against one of the parties or an affiliate of one of the parties in an unrelated matter.

22. The arbitrator has within the past three years been appointed as arbitrator on two or more occasions by one of the parties or an affiliate of one of the parties.

23. The arbitrator's law firm has within the past three years acted for one of the parties or an affiliate of one of the parties in an unrelated matter without the involvement of the arbitrator.

24. The arbitrator currently serves, or has served within the past three years, as arbitrator in another arbitration on a related issue involving one of the parties or an affiliate of one of the parties.

Relationship between an arbitrator and another arbitrator or counsel

25. The arbitrator and another arbitrator are lawyers in the same law firm.

26. The arbitrator was within the past three years a partner of, or otherwise affiliated with, another arbitrator or any of the counsel in the same arbitration.

27. A lawyer in the arbitrator's law firm is an arbitrator in another dispute involving the same party or parties or an affiliate of one of the parties.

28. A close family member of the arbitrator is a partner or employee of the law firm representing one of the parties, but is not assisting with the dispute.

29. The arbitrator has within the past three years received more than three appointments by the same counsel or the same law firm.

Relationship between arbitrator and party and others involved in the arbitration

30. The arbitrator's law firm is currently acting adverse to one of the parties or an affiliate of one of the parties.

31. The arbitrator had been associated within the past three years with a party or an affiliate of one of the parties in a professional capacity, such as a former employee or partner.

Other circumstances

32. The arbitrator holds shares, either directly or indirectly, which by reason of number or denomination constitute a material holding in one of the parties or an affiliate of one of the parties that is publicly listed.

33. The arbitrator holds a position in an arbitration institution with appointing authority over the dispute.

34. The arbitrator is a manager, director or part of the management, or has a similar controlling influence, in an affiliate of one of the parties, where the affiliate is not directly involved in the matters in dispute in the arbitration.

Explanation 1.—The term "close family member" refers to a spouse, sibling, child, parent or life partner.

Explanation 2.—The term "affiliate" encompasses all companies in one group of companies including the parent company.

Explanation 3.—For the removal of doubts, it is clarified that it may be the practice in certain specific kinds of arbitration, such as maritime or commodities arbitration, to draw arbitrators from a small, specialised pool. If in such fields it is the custom and practice for parties frequently to appoint the same arbitrator in different cases, this is a relevant fact to be taken into account while applying the rules set out above.

THE SIXTH SCHEDULE

[*See* section 12 (*1*)(*b*)]

NAME:

CONTACT DETAILS:

PRIOR EXPERIENCE (INCLUDING EXPERIENCE WITH ARBITRATIONS):

NUMBER OF ONGOING ARBITRATIONS:

CIRCUMSTANCES DISCLOSING ANY PAST OR PRESENT RELATIONSHIP WITH OR INTEREST IN ANY OF THE PARTIES OR IN RELATION TO THE SUBJECT-MATTER IN DISPUTE, WHETHER FINANCIAL, BUSINESS, PROFESSIONAL OR OTHER KIND, WHICH IS LIKELY TO GIVE RISE TO JUSTIFIABLE DOUBTS AS TO YOUR INDEPENDENCE OR IMPARTIALITY (LIST OUT):

CIRCUMSTANCES WHICH ARE LIKELY TO AFFECT YOUR ABILITY TO DEVOTE SUFFICIENT TIME TO THE ARBITRATION AND IN PARTICULAR YOUR ABILITY TO FINISH THE ENTIRE ARBITRATION WITHIN TWELVE MONTHS (LIST OUT):

THE SEVENTH SCHEDULE

[*See* section 12 (*5*)]

Arbitrator's relationship with the parties or counsel

1. The arbitrator is an employee, consultant, advisor or has any other past or present business relationship with a party.

2. The arbitrator currently represents or advises one of the parties or an affiliate of one of the parties.

3. The arbitrator currently represents the lawyer or law firm acting as counsel for one of the parties.

4. The arbitrator is a lawyer in the same law firm which is representing one of the parties.

5. The arbitrator is a manager, director or part of the management, or has a similar controlling influence, in an affiliate of one of the parties if the affiliate is directly involved in the matters in dispute in the arbitration.

6. The arbitrator's law firm had a previous but terminated involvement in the case without the arbitrator being involved himself or herself.

7. The arbitrator's law firm currently has a significant commercial relationship with one of the parties or an affiliate of one of the parties.

8. The arbitrator regularly advises the appointing party or an affiliate of the appointing party even though neither the arbitrator nor his or her firm derives a significant financial income therefrom.

9. The arbitrator has a close family relationship with one of the parties and in the case of companies with the persons in the management and controlling the company.

10. A close family member of the arbitrator has a significant financial interest in one of the parties or an affiliate of one of the parties.

11. The arbitrator is a legal representative of an entity that is a party in the arbitration.

12. The arbitrator is a manager, director or part of the management, or has a similar controlling influence in one of the parties.

13. The arbitrator has a significant financial interest in one of the parties or the outcome of the case.

14. The arbitrator regularly advises the appointing party or an affiliate of the appointing party, and the arbitrator or his or her firm derives a significant financial income therefrom.

Relationship of the arbitrator to the dispute

15. The arbitrator has given legal advice or provided an expert opinion on the dispute to a party or an affiliate of one of the parties.

16. The arbitrator has previous involvement in the case.

Arbitrator's direct or indirect interest in the dispute

17. The arbitrator holds shares, either directly or indirectly, in one of the parties or an affiliate of one of the parties that is privately held.

18. A close family member of the arbitrator has a significant financial interest in the outcome of the dispute.

19. The arbitrator or a close family member of the arbitrator has a close relationship with a third party who may be liable to recourse on the part of the unsuccessful party in the dispute.

Explanation 1.—The term "close family member" refers to a spouse, sibling, child, parent or life partner.

Explanation 2.—The term "affiliate" encompasses all companies in one group of companies including the parent company.

Explanation 3.—For the removal of doubts, it is clarified that it may be the practice in certain specific kinds of arbitration, such as maritime or commodities arbitration, to draw arbitrators from a small, specialised pool. If in such fields it is the custom and practice for parties frequently to appoint the same arbitrator in different cases, this is a relevant fact to be taken into account while applying the rules set out above.'.

Act not to apply to pending arbitral proceedings.

26. Nothing contained in this Act shall apply to the arbitral proceedings commenced, in accordance with the provisions of section 21 of the principal Act, before the commencement of this Act unless the parties otherwise agree but this Act shall apply in relation to arbitral proceedings commenced on or after the date of commencement of this Act.

Repeal and savings.

Ord. 9 of 2015.

27. (*1*) The Arbitration and Conciliation (Amendment) Ordinance, 2015, is hereby repealed.

(*2*) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of the principal Act, as amended by this Act.

Bhopal, the 24th February, 2016

No. 3343-42-XXI-A(Dr.).—The following Act of the Parliament, published in the Gazette of India Extra-ordinary Part II Section 1 dated the 1st January, 2016 is hereby republished for general information. The Bill as passed by the House of Parliament received the assent of the President on 31st December, 2015.

By order and in the name of the Governor of Madhya Pradesh,
RAJESH YADAV, Addl. Secy.

THE PAYMENT OF BONUS (AMENDMENT) ACT, 2015

(As Passed by the Houses of Parliament)

An

Act

further to amend the Payment of Bonus Act, 1965.

Be it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Payment of Bonus (Amendment) Act, 2015.

(*2*) It shall be deemed to have come into force on the 1st day of April, 2014.

Amendment of section 2.

21 of 1965.

2. In section 2 of the Payment of Bonus Act, 1965 (hereinafter referred to as the principal Act), in clause (13), for the words "ten thousand rupees", the words "twenty-one thousand rupees" shall be substituted.

Amendment of section 12.

3. In section 12 of the principal Act,—

(*i*) for the words "three thousand and five hundred rupees" at both the places where they occur, the words "seven thousand rupees or the minimum wage for the scheduled employment, as fixed by the appropriate Government, whichever is higher" shall respectively be substituted;

(*ii*) the following *Explanation* shall be inserted at the end, namely:—

'*Explanation.*—For the purposes of this section, the expression "scheduled employment" shall have the same meaning as assigned to it in clause (*g*) of section 2 of the Minimum Wages Act, 1948.'. 11 of 1948.

Amendment of section 38.

4. In section 38 of the principal Act, for sub-section (*1*), the following sub-section shall be substituted, namely:—

"(*1*) The Central Government may, subject to the condition of previous publication, by notification in the Official Gazette, make rules to carry out the provisions of this Act.".

Bhopal, the 24th February, 2016

No. 3343-42-XXI-A(Dr.).—The following Act of the Parliament, published in the Gazette of India Extra-ordinary Part II Section 1 dated the 11th January, 2016 is hereby republished for general information. The Bill as passed by the House of Parliament received the assent of the President on 8th January, 2016.

By order and in the name of the Governor of Madhya Pradesh,
RAJESH YADAV, Addl. Secy.

THE SUGAR CESS (AMENDMENT) ACT, 2015

(As Passed by the Houses of Parliament)

An

Act

further to amend the Sugar Cess Act, 1982.

Be it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Sugar Cess (Amendment) Act, 2015.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 3 of Act 3 of 1982.

2. In the Sugar Cess Act, 1982, in section 3, in sub-section (*1*), for the words "twenty-five rupees", the words "two hundred rupees" shall be substituted.

THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015

ARRANGEMENT OF CLAUSES

Clauses

CHAPTER I

Preliminary

1. Short title, extent, commencement and application.
2. Definitions.

CHAPTER II

General principles of care and protection of children

3. General principles to be followed in administration of Act.

CHAPTER III

JUVENILE JUSTICE BOARD

4. Juvenile Justice Board.
5. Placement of person, who ceases to be a child during process of inquiry.
6. Placement of persons, who committed an offence, when person was below the age of eighteen years.
7. Procedure in relation to Board.
8. Powers, functions and responsibilities of the Board.
9. Procedure to be followed by a Magistrate who has not been empowered under this Act.

CHAPTER IV

PROCEDURE IN RELATION TO CHILDREN IN CONFLICT WITH LAW

10. Apprehension of child alleged to be in conflict with law.
11. Role of person in whose charge child in conflict with law is placed.
12. Bail to a person who is apparently a child alleged to be in conflict with law.
13. Information to parents, guardian or Probation Officer.
14. Inquiry by Board regarding child in conflict with law.
15. Preliminary assessment into heinous offences by Board.
16. Review of pendency of Inquiry.
17. Orders regarding a child not found to be in conflict with law.
18. Orders regarding child found to be in conflict with law.
19. Powers of Children's Court.
20. Child attained age of twenty-one years and yet to complete prescribed term of stay in place of safety.
21. Order that may not be passed against a child in conflict with law.
22. Proceeding under Chapter VIII of the Code of Criminal Procedure not to apply against child.
23. No joint proceedings of child in conflict with law and person not a child.
24. Removal of disqualification on the findings of an offence.
25. Special provision in respect of pending cases.
26. Provision with respect of runaway child in conflict with law.

CHAPTER V

CHILD WELFARE COMMITTEE

27. Child Welfare Committee.
28. Procedure in relation to Committee.
29. Powers of Committee.
30. Functions and responsibilities of Committee.

CLAUSES

CHAPTER VI

PROCEDURE IN RELATION TO CHILDREN IN NEED OF CARE AND PROTECTION

31. Production before Committee.
32. Mandatory reporting regarding a child found separated from guardian.
33. Offence of non-reporting.
34. Penalty for non-reporting.
35. Surrender of children.
36. Inquiry.
37. Orders passed regarding a child in need of care and protection.
38. Procedure for declaring a child legally free for adoption.

CHAPTER VII

REHABILITATION AND SOCIAL RE-INTEGRATION

39. Process of rehabilitation and social re-integration.
40. Restoration of child in need of care and protection.
41. Registration of child care institutions.
42. Penalty for non-registration of child care institutions.
43. Open shelter.
44. Foster care.
45. Sponsorship.
46. After care of children leaving child care institution.
47. Observation homes.
48. Special homes.
49. Place of safety.
50. Children's home.
51. Fit facility.
52. Fit person.
53. Rehabilitation and re-integration services in institutions registered under this Act and management thereof.
54. Inspection of institutions registered under this Act.
55. Evaluation of functioning of structures.

CHAPTER VIII

ADOPTION

56. Adoption.
57. Eligibility of prospective adoptive parents.
58. Procedure for adoption by Indian prospective adoptive parents living in India.
59. Procedure for inter-country adoption of an orphan or abandoned or surrendered child.
60. Procedure for inter-country relative adoption.
61. Court procedure and penalty against payment in consideration of adoption.
62. Additional procedural requirements and documentation.
63. Effect of adoption.

CLAUSES

64. Reporting of adoption.
65. Specialised Adoption Agencies.
66. Adoption of children residing in institutions not registered as adoption agencies.
67. State Adoption Resource Agency.
68. Central Adoption Resource Authority.
69. Steering Committee of Authority.
70. Powers of Authority.
71. Annual Report of Authority.
72. Grants by Central Government.
73. Accounts and audit of Authority.

CHAPTER IX

OTHER OFFENCES AGAINST CHILDREN

74. Prohibition on disclosure of identity of children.
75. Punishment for cruelty to child.
76. Employment of child for begging.
77. Penalty for giving intoxicating liquor or narcotic drug or psychotropic substance to a child.
78. Using a child for vending, peddling, carrying, supplying or smuggling any intoxicating liquor, narcotic drug or psychotropic substance.
79. Exploitation of a child employee.
80. Punitive measures for adoption without following prescribed procedures.
81. Sale and procurement of children for any purpose.
82. Corporal punishment.
83. Use of child by militant groups or other adults.
84. Kidnapping and abduction of child.
85. Offences committed on disabled children.
86. Classification of offences and designated court.
87. Abetment.
88. Alternative punishment.
89. Offence committed by child under this Chapter.

CHAPTER X

MISCELLANEOUS

90. Attendance of parent or guardian of child.
91. Dispensing with attendance of child.
92. Placement of a child suffering from disease requiring prolonged medical treatment in an approved place.
93. Transfer of a child who is mentally ill or addicted to alcohol or other drugs.
94. Presumption and determination of age.
95. Transfer of a child to place of residence.
96. Transfer of child between children's homes, or special homes or fit facility or fit person in different parts of India.

CLAUSES

97. Release of a child from an institution.
98. Leave of absence to a child placed in an institution.
99. Reports to be treated as confidential.
100. Protection of action taken in good faith.
101. Appeals.
102. Revision.
103. Procedure in inquiries, appeals and revision proceedings.
104. Power of the Committee or the Board to amend its own orders.
105. Juvenile Justice Fund.
106. State Child Protection Society and District Child Protection Unit.
107. Child Welfare Police Officer and Special Juvenile Police Unit.
108. Public awareness on provision of Act.
109. Monitoring of implementation of Act.
110. Power to make rules.
111. Repeal and savings.
112. Power to remove difficulties.

Bhopal, the 24th February, 2016

No. 3347-42-XXI-A(Dr.).—The following Act of the Parliament, published in the Gazette of India Extra-ordinary Part II section 1 dated the 1st January, 2016 is hereby republished for general information. The Bill as passed by the House of Parliament received the assent of the President on 31st December, 2015.

By order and in the name of the Governor of Madhya Pradesh,
RAJESH YADAV, Addl. Secy.

THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN ACT, 2015

An

Act

to consolidate and amend the law relating to children alleged and found to be in conflict with law and children in need of care and protection by catering to their basic needs through proper care, protection, development, treatment, social re-integration, by adopting a child-friendly approach in the adjudication and disposal of matters in the best interest of children and for their rehabilitation through processes provided, and institutions and bodies established, hereinunder and for matters connected therewith or incidental thereto.

WHEREAS, the provisions of the Constitution confer powers and impose duties, under clause (3) of article 15, clauses (*e*) and (*f*) of article 39, article 45 and article 47, on the State to ensure that all the needs of children are met and that their basic human rights are fully protected;

AND WHEREAS, the Government of India has acceded on the 11th December, 1992 to the Convention on the Rights of the Child, adopted by the General Assembly of United Nations, which has prescribed a set of standards to be adhered to by all State parties in securing the best interest of the child;

AND WHEREAS, it is expedient to re-enact the Juvenile Justice (Care and Protection of Children) Act, 2000 to make comprehensive provisions for children alleged and found to be in conflict with law and children in need of care and protection, taking into consideration the standards prescribed in the Convention on the Rights of the Child, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, 1985 (the Beijing Rules), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (1990), the Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption (1993), and other related international instruments. 56 of 2000.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title, extent, commencement and application.

1. (*1*) This Act may be called the Juvenile Justice (Care and Protection of Children) Act, 2015.

(*2*) It extends to the whole of India except the State of Jammu and Kashmir.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

(*4*) Notwithstanding anything contained in any other law for the time being in force, the provisions of this Act shall apply to all matters concerning children in need of care and protection and children in conflict with law, including —

(*i*) apprehension, detention, prosecution, penalty or imprisonment, rehabilitation and social re-integration of children in conflict with law;

(*ii*) procedures and decisions or orders relating to rehabilitation, adoption, re-integration, and restoration of children in need of care and protection.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*1*) "abandoned child" means a child deserted by his biological or adoptive parents or guardians, who has been declared as abandoned by the Committee after due inquiry;

(*2*) "adoption" means the process through which the adopted child is permanently separated from his biological parents and becomes the lawful child of his adoptive parents with all the rights, privileges and responsibilities that are attached to a biological child;

(*3*) "adoption regulations" means the regulations framed by the Authority and notified by the Central Government in respect of adoption;

(*4*) "administrator" means any district official not below the rank of Deputy Secretary to the State, on whom magisterial powers have been conferred;

(*5*) "aftercare" means making provision of support, financial or otherwise, to persons, who have completed the age of eighteen years but have not completed the age of twenty-one years, and have left any institutional care to join the mainstream of the society;

(*6*) "authorised foreign adoption agency" means a foreign social or child welfare agency that is authorised by the Central Adoption Resource Authority on the recommendation of their Central Authority or Government department of that country for sponsoring the application of non-resident Indian or overseas citizen of India or persons of Indian origin or foreign prospective adoptive parents for adoption of a child from India;

(*7*) "Authority" means the Central Adoption Resource Authority constituted under section 68;

(*8*) "begging" means—

(*i*) soliciting or receiving alms in a public place or entering into any private premises for the purpose of soliciting or receiving alms, under any pretence;

(*ii*) exposing or exhibiting with the object of obtaining or extorting alms, any sore, wound, injury, deformity or disease, whether of himself or of any other person or of an animal;

(*9*) "best interest of child" means the basis for any decision taken regarding the child, to ensure fulfilment of his basic rights and needs, identity, social well-being and physical, emotional and intellectual development;

(*10*) "Board" means a Juvenile Justice Board constituted under section 4;

(*11*) "Central Authority" means the Government department recognised as such under the Hague Convention on Protection of Children and Cooperation in Inter-country Adoption (1993);

(*12*) "child" means a person who has not completed eighteen years of age;

(*13*) "child in conflict with law" means a child who is alleged or found to have committed an offence and who has not completed eighteen years of age on the date of commission of such offence;

(*14*) "child in need of care and protection" means a child—

(*i*) who is found without any home or settled place of abode and without any ostensible means of subsistence; or

(*ii*) who is found working in contravention of labour laws for the time being in force or is found begging, or living on the street; or

(*iii*) who resides with a person (whether a guardian of the child or not) and such person—

(*a*) has injured, exploited, abused or neglected the child or has violated any other law for the time being in force meant for the protection of child; or

(*b*) has threatened to kill, injure, exploit or abuse the child and there is a reasonable likelihood of the threat being carried out; or

(*c*) has killed, abused, neglected or exploited some other child or children and there is a reasonable likelihood of the child in question being killed, abused, exploited or neglected by that person; or

(*iv*) who is mentally ill or mentally or physically challenged or suffering from terminal or incurable disease, having no one to support or look after or having parents or guardians unfit to take care, if found so by the Board or the Committee; or

(*v*) who has a parent or guardian and such parent or guardian is found to be unfit or incapacitated, by the Committee or the Board, to care for and protect the safety and well-being of the child; or

(*vi*) who does not have parents and no one is willing to take care of, or whose parents have abandoned or surrendered him; or

(*vii*) who is missing or run away child, or whose parents cannot be found after making reasonable inquiry in such manner as may be prescribed; or

(*viii*) who has been or is being or is likely to be abused, tortured or exploited for the purpose of sexual abuse or illegal acts; or

(*ix*) who is found vulnerable and is likely to be inducted into drug abuse or trafficking; or

(*x*) who is being or is likely to be abused for unconscionable gains; or

(*xi*) who is victim of or affected by any armed conflict, civil unrest or natural calamity; or

(*xii*) who is at imminent risk of marriage before attaining the age of marriage and whose parents, family members, guardian and any other persons are likely to be responsible for solemnisation of such marriage;

(*15*) "child friendly" means any behaviour, conduct, practice, process, attitude, environment or treatment that is humane, considerate and in the best interest of the child;

(*16*) "child legally free for adoption" means a child declared as such by the Committee after making due inquiry under section 38;

(*17*) "Child Welfare Officer" means an officer attached to a Children's Home, for carrying out the directions given by the Committee or, as the case may be, the Board with such responsibility as may be prescribed;

(*18*) "Child Welfare Police Officer" means an officer designated as such under sub-section (*1*) of section 107;

(*19*) "Children's Home" means a Children's Home, established or maintained, in every district or group of districts, by the State Government, either by itself, or through a voluntary or non-governmental organisation, and is registered as such for the purposes specified in section 50;

(*20*) "Children's Court" means a court established under the Commissions for Protection of Child Rights Act, 2005 or a Special Court under the Protection of Children from Sexual Offences Act, 2012, wherever existing and where such courts have not been designated, the Court of Sessions having jurisdiction to try offences under the Act; 4 of 2006. 32 of 2012.

(*21*) "child care institution" means Children Home, open shelter, observation home, special home, place of safety, Specialised Adoption Agency and a fit facility recognised under this Act for providing care and protection to children, who are in need of such services;

(*22*) "Committee" means Child Welfare Committee constituted under section 27;

(*23*) "court" means a civil court, which has jurisdiction in matters of adoption and guardianship and may include the District Court, Family Court and City Civil Courts;

(*24*) "corporal punishment" means the subjecting of a child by any person to physical punishment that involves the deliberate infliction of pain as retribution for an offence, or for the purpose of disciplining or reforming the child;

(*25*) "childline services" means a twenty-four hours emergency outreach service for children in crisis which links them to emergency or long-term care and rehabilitation service;

(*26*) "District Child Protection Unit" means a Child Protection Unit for a District, established by the State Government under section 106, which is the focal point to ensure the implementation of this Act and other child protection measures in the district;

(*27*) "fit facility" means a facility being run by a governmental organisation or a registered voluntary or non-governmental organisation, prepared to temporarily own the responsibility of a particular child for a specific purpose, and such facility is recognised as fit for the said purpose, by the Committee, as the case may be, or the Board, under sub-section (*1*) of section 51;

(*28*) "fit person" means any person, prepared to own the responsibility of a child, for a specific purpose, and such person is identified after inquiry made in this behalf and recognised as fit for the said purpose, by the Committee or, as the case may be, the Board, to receive and take care of the child;

(*29*) "foster care" means placement of a child, by the Committee for the purpose of alternate care in the domestic environment of a family, other than the child's biological family, that has been selected, qualified, approved and supervised for providing such care;

(*30*) "foster family" means a family found suitable by the District Child Protection Unit to keep children in foster care under section 44;

(*31*) "guardian" in relation to a child, means his natural guardian or any other person having, in the opinion of the Committee or, as the case may be, the Board, the actual charge of the child, and recognised by the Committee or, as the case may be, the Board as a guardian in the course of proceedings;

(*32*) "group foster care" means a family like care facility for children in need of care and protection who are without parental care, aiming on providing personalised care and fostering a sense of belonging and identity, through family like and community based solutions;

45 of 1860

(*33*) "heinous offences" includes the offences for which the minimum punishment under the Indian Penal Code or any other law for the time being in force is imprisonment for seven years or more;

(*34*) "inter-country adoption" means adoption of a child from India by non-resident Indian or by a person of Indian origin or by a foreigner;

(*35*) "juvenile" means a child below the age of eighteen years;

61 of 1985

(*36*) "narcotic drug" and "psychotropic substance" shall have the meanings, respectively, assigned to them in the Narcotic Drugs and Psychotropic Substances Act, 1985;

(*37*) "no objection certificate" for inter-country adoption means a certificate issued by the Central Adoption Resource Authority for the said purpose;

(*38*) "non-resident Indian" means a person who holds an Indian passport and is presently residing abroad for more than one year;

(*39*) "notification" means the notification published in the Official Gazette of India, or as the case may be, in the Gazette of a State, and the expression "notify" shall be construed accordingly;

(*40*) "observation home" means an observation home established and maintained in every district or group of districts by a State Government, either by itself, or through a voluntary or non-governmental organisation, and is registered as such, for the purposes specified in sub-section (*1*) of section 47;

(*41*) "open shelter" means a facility for children, established and maintained by the State Government, either by itself, or through a voluntary or non-governmental organisation under sub-section (*1*) of section 43, and registered as such, for the purposes specified in that section;

(*42*) "orphan" means a child—

(*i*) who is without biological or adoptive parents or legal guardian; or

(*ii*) whose legal guardian is not willing to take, or capable of taking care of the child;

(*43*) "overseas citizen of India" means a person registered as such under the Citizenship Act, 1955; 57 of 1955.

(*44*) "person of Indian origin" means a person, any of whose lineal ancestors is or was an Indian national, and who is presently holding a Person of Indian Origin Card issued by the Central Government;

(*45*) "petty offences" includes the offences for which the maximum punishment under the Indian Penal Code or any other law for the time being in force is imprisonment up to three years; 45 of 1860.

(*46*) "place of safety" means any place or institution, not being a police lockup or jail, established separately or attached to an observation home or a special home, as the case may be, the person in-charge of which is willing to receive and take care of the children alleged or found to be in conflict with law, by an order of the Board or the Children's Court, both during inquiry and ongoing rehabilitation after having been found guilty for a period and purpose as specified in the order;

(*47*) "prescribed" means prescribed by rules made under this Act;

(*48*) "probation officer" means an officer appointed by the State Government as a probation officer under the Probation of Offenders Act, 1958 or the Legal-cum-Probation Officer appointed by the State Government under District Child Protection Unit; 20 of 1958.

(*49*) "prospective adoptive parents" means a person or persons eligible to adopt a child as per the provisions of section 57;

(*50*) "public place" shall have the same meaning assigned to it in the Immoral Traffic (Prevention) Act, 1956; 104 of 1956.

(*51*) "registered", with reference to child care institutions or agencies or facilities managed by the State Government, or a voluntary or non-governmental organisation, means observation homes, special homes, place of safety, children's homes, open shelters or Specialised Adoption Agency or fit facility or any other institution that may come up in response to a particular need or agencies or facilities authorised and registered under section 41, for providing residential care to children, on a short-term or long-term basis;

(*52*) "relative", in relation to a child for the purpose of adoption under this Act, means a paternal uncle or aunt, or a maternal uncle or aunt, or paternal grandparent or maternal grandparent;

(*53*) "State Agency" means the State Adoption Resource Agency set up by the State Government for dealing with adoption and related matters under section 67;

(*54*) "serious offences" includes the offences for which the punishment under the Indian Penal Code or any other law for the time being in force, is imprisonment between three to seven years; 45 of 1860.

(*55*) "special juvenile police unit" means a unit of the police force of a district or city or, as the case may be, any other police unit like railway police, dealing with children and designated as such for handling children under section 107;

(*56*) "special home" means an institution established by a State Government or by a voluntary or non-governmental organisation, registered under section 48, for housing and providing rehabilitative services to children in conflict with law, who are found, through inquiry, to have committed an offence and are sent to such institution by an order of the Board;

(*57*) "Specialised Adoption Agency" means an institution established by the State Government or by a voluntary or non-governmental organisation and recognised

under section 65, for housing orphans, abandoned and surrendered children, placed there by order of the Committee, for the purpose of adoption;

(*58*) "sponsorship" means provision of supplementary support, financial or otherwise, to the families to meet the medical, educational and developmental needs of the child;

(*59*) "State Government", in relation to a Union territory, means the Administrator of that Union territory appointed by the President under article 239 of the Constitution;

(*60*) "surrendered child" means a child, who is relinquished by the parent or guardian to the Committee, on account of physical, emotional and social factors beyond their control, and declared as such by the Committee;

(*61*) all words and expressions used but not defined in this Act and defined in other Acts shall have the meanings respectively assigned to them in those Acts.

CHAPTER II

GENERAL PRINCIPLES OF CARE AND PROTECTION OF CHILDREN

General principles to be followed in administration of Act.

3. The Central Government, the State Governments, the Board, and other agencies, as the case may be, while implementing the provisions of this Act shall be guided by the following fundamental principles, namely:—

(*i*) *Principle of presumption of innocence:* Any child shall be presumed to be an innocent of any *mala fide* or criminal intent up to the age of eighteen years.

(*ii*) *Principle of dignity and worth*: All human beings shall be treated with equal dignity and rights.

(*iii*) *Principle of participation*: Every child shall have a right to be heard and to participate in all processes and decisions affecting his interest and the child's views shall be taken into consideration with due regard to the age and maturity of the child.

(*iv*) *Principle of best interest*: All decisions regarding the child shall be based on the primary consideration that they are in the best interest of the child and to help the child to develop full potential.

(*v*) *Principle of family responsibility*: The primary responsibility of care, nurture and protection of the child shall be that of the biological family or adoptive or foster parents, as the case may be.

(*vi*) *Principle of safety:* All measures shall be taken to ensure that the child is safe and is not subjected to any harm, abuse or maltreatment while in contact with the care and protection system, and thereafter.

(*vii*) *Positive measures*: All resources are to be mobilised including those of family and community, for promoting the well-being, facilitating development of identity and providing an inclusive and enabling environment, to reduce vulnerabilities of children and the need for intervention under this Act.

(*viii*) *Principle of non-stigmatising semantics*: Adversarial or accusatory words are not to be used in the processes pertaining to a child.

(*ix*) *Principle of non-waiver of rights*: No waiver of any of the right of the child is permissible or valid, whether sought by the child or person acting on behalf of the child, or a Board or a Committee and any non-exercise of a fundamental right shall not amount to waiver.

(*x*) *Principle of equality and non-discrimination*: There shall be no discrimination against a child on any grounds including sex, caste, ethnicity, place of birth, disability and equality of access, opportunity and treatment shall be provided to every child.

(*xi*) *Principle of right to privacy and confidentiality*: Every child shall have a right to protection of his privacy and confidentiality, by all means and throughout the judicial process.

(*xii*) *Principle of institutionalisation as a measure of last resort:* A child shall be placed in institutional care as a step of last resort after making a reasonable inquiry.

(*xiii*) *Principle of repatriation and restoration*: Every child in the juvenile justice system shall have the right to be re-united with his family at the earliest and to be restored to the same socio-economic and cultural status that he was in, before coming under the purview of this Act, unless such restoration and repatriation is not in his best interest.

(*xiv*) *Principle of fresh start*: All past records of any child under the Juvenile Justice system should be erased except in special circumstances.

(*xv*) *Principle of diversion*: Measures for dealing with children in conflict with law without resorting to judicial proceedings shall be promoted unless it is in the best interest of the child or the society as a whole.

(*xvi*) *Principles of natural justice*: Basic procedural standards of fairness shall be adhered to, including the right to a fair hearing, rule against bias and the right to review, by all persons or bodies, acting in a judicial capacity under this Act.

CHAPTER III

JUVENILE JUSTICE BOARD

Juvenile Justice Board.

4. (*1*) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the State Government shall, constitute for every district, one or more Juvenile Justice Boards for exercising the powers and discharging its functions relating to children in conflict with law under this Act. 2 of 1974

(*2*) A Board shall consist of a Metropolitan Magistrate or a Judicial Magistrate of First Class not being Chief Metropolitan Magistrate or Chief Judicial Magistrate (hereinafter referred to as Principal Magistrate) with at least three years experience and two social workers selected in such manner as may be prescribed, of whom at least one shall be a woman, forming a Bench and every such Bench shall have the powers conferred by the Code of Criminal Procedure, 1973 on a Metropolitan Magistrate or, as the case may be, a Judicial Magistrate of First Class. 2 of 1974

(*3*) No social worker shall be appointed as a member of the Board unless such person has been actively involved in health, education, or welfare activities pertaining to children for atleast seven years or a practicing professional with a degree in child psychology, psychiatry, sociology or law.

(*4*) No person shall be eligible for selection as a member of the Board, if he —

(*i*) has any past record of violation of human rights or child rights;

(*ii*) has been convicted of an offence involving moral turpitude, and such conviction has not been reversed or has not been granted full pardon in respect of such offence;

(*iii*) has been removed or dismissed from service of the Central Government or a State Government or an undertaking or corporation owned or controlled by the Central Government or a State Government;

(*iv*) has ever indulged in child abuse or employment of child labour or any other violation of human rights or immoral act.

(*5*) The State Government shall ensure that induction training and sensitisation of all members including Principal Magistrate of the Board on care, protection, rehabilitation, legal provisions and justice for children, as may be prescribed, is provided within a period of sixty days from the date of appointment.

(*6*) The term of office of the members of the Board and the manner in which such member may resign shall be such, as may be prescribed.

(*7*) The appointment of any member of the Board, except the Principal Magistrate, may be terminated after holding an inquiry by the State Government, if he —

(*i*) has been found guilty of misuse of power vested under this Act; or

(*ii*) fails to attend the proceedings of the Board consecutively for three months without any valid reason; or

(*iii*) fails to attend less than three-fourths of the sittings in a year; or

(*iv*) becomes ineligible under sub-section (*4*) during his term as a member.

Placement of person, who cease to be a child during process of inquiry.

5. Where an inquiry has been initiated in respect of any child under this Act, and during the course of such inquiry, the child completes the age of eighteen years, then, notwithstanding anything contained in this Act or in any other law for the time being in force, the inquiry may be continued by the Board and orders may be passed in respect of such person as if such person had continued to be a child.

Placement of persons, who committed an offence, when person was below the age of eighteen years.

6. (*1*) Any person, who has completed eighteen years of age, and is apprehended for committing an offence when he was below the age of eighteen years, then, such person shall, subject to the provisions of this section, be treated as a child during the process of inquiry.

(*2*) The person referred to in sub-section (*1*), if not released on bail by the Board shall be placed in a place of safety during the process of inquiry.

(*3*) The person referred to in sub-section (*1*) shall be treated as per the procedure specified under the provisions of this Act.

Procedure in relation to Board.

7. (*1*) The Board shall meet at such times and shall observe such rules in regard to the transaction of business at its meetings, as may be prescribed and shall ensure that all procedures are child friendly and that the venue is not intimidating to the child and does not resemble as regular courts.

(*2*) A child in conflict with law may be produced before an individual member of the Board, when the Board is not in sitting.

(*3*) A Board may act notwithstanding the absence of any member of the Board, and no order passed by the Board shall be invalid by the reason only of the absence of any member during any stage of proceedings:

Provided that there shall be atleast two members including the Principal Magistrate present at the time of final disposal of the case or in making an order under sub-section (*3*) of section 18.

(*4*) In the event of any difference of opinion among the members of the Board in the interim or final disposal, the opinion of the majority shall prevail, but where there is no such majority, the opinion of the Principal Magistrate, shall prevail.

Powers, functions and responsibilities of the Board.

8. (*1*) Notwithstanding anything contained in any other law for the time being in force but save as otherwise expressly provided in this Act, the Board constituted for any district shall have the power to deal exclusively with all the proceedings under this Act, relating to children in conflict with law, in the area of jurisdiction of such Board.

(*2*) The powers conferred on the Board by or under this Act may also be exercised by the High Court and the Children's Court, when the proceedings come before them under section 19 or in appeal, revision or otherwise.

(*3*) The functions and responsibilities of the Board shall include'—

(*a*) ensuring the informed participation of the child and the parent or guardian, in every step of the process;

(*b*) ensuring that the child's rights are protected throughout the process of apprehending the child, inquiry, aftercare and rehabilitation;

(*c*) ensuring availability of legal aid for the child through the legal services institutions;

(*d*) wherever necessary the Board shall provide an interpreter or translator, having such qualifications, experience, and on payment of such fees as may be prescribed, to the child if he fails to understand the language used in the proceedings;

(*e*) directing the Probation Officer, or in case a Probation Officer is not available to the Child Welfare Officer or a social worker, to undertake a social investigation into the case and submit a social investigation report within a period of fifteen days from the date of first production before the Board to ascertain the circumstances in which the alleged offence was committed;

(*f*) adjudicate and dispose of cases of children in conflict with law in accordance with the process of inquiry specified in section 14;

(*g*) transferring to the Committee, matters concerning the child alleged to be in conflict with law, stated to be in need of care and protection at any stage, thereby recognising that a child in conflict with law can also be a child in need of care simultaneously and there is a need for the Committee and the Board to be both involved;

(*h*) disposing of the matter and passing a final order that includes an individual care plan for the child's rehabilitation, including follow up by the Probation Officer or the District Child Protection Unit or a member of a non-governmental organisation, as may be required;

(*i*) conducting inquiry for declaring fit persons regarding care of children in conflict with law;

(*j*) conducting at least one inspection visit every month of residential facilities for children in conflict with law and recommend action for improvement in quality of services to the District Child Protection Unit and the State Government;

(*k*) order the police for registration of first information report for offences committed against any child in conflict with law, under this Act or any other law for the time being in force, on a complaint made in this regard;

(*l*) order the police for registration of first information report for offences committed against any child in need of care and protection, under this Act or any other law for the time being in force, on a written complaint by a Committee in this regard;

(*m*) conducting regular inspection of jails meant for adults to check if any child is lodged in such jails and take immediate measures for transfer of such a child to the observation home; and

(*n*) any other function as may be prescribed.

Procedure to be followed by a Magistrate who has not been empowered under this Act.

9. (*1*) When a Magistrate, not empowered to exercise the powers of the Board under this Act is of the opinion that the person alleged to have committed the offence and brought before him is a child, he shall, without any delay, record such opinion and forward the child immediately along with the record of such proceedings to the Board having jurisdiction.

(*2*) In case a person alleged to have committed an offence claims before a court other than a Board, that the person is a child or was a child on the date of commission of the offence, or if the court itself is of the opinion that the person was a child on the date of commission of the offence, the said court shall make an inquiry, take such evidence as may be necessary (but not an affidavit) to determine the age of such person, and shall record a finding on the matter, stating the age of the person as nearly as may be:

Provided that such a claim may be raised before any court and it shall be recognised at any stage, even after final disposal of the case, and such a claim shall be determined in accordance with the provisions contained in this Act and the rules made thereunder even if the person has ceased to be a child on or before the date of commencement of this Act.

(*3*) If the court finds that a person has committed an offence and was a child on the date of commission of such offence, it shall forward the child to the Board for passing appropriate orders and the sentence, if any, passed by the court shall be deemed to have no effect.

(*4*) In case a person under this section is required to be kept in protective custody, while the person's claim of being a child is being inquired into, such person may be placed, in the intervening period in a place of safety.

CHAPTER IV

PROCEDURE IN RELATION TO CHILDREN IN CONFLICT WITH LAW

Apprehension of child alleged to be in conflict with law.

10. (*1*) As soon as a child alleged to be in conflict with law is apprehended by the police, such child shall be placed under the charge of the special juvenile police unit or the designated child welfare police officer, who shall produce the child before the Board without any loss of time but within a period of twenty-four hours of apprehending the child excluding the time necessary for the journey, from the place where such child was apprehended:

Provided that in no case, a child alleged to be in conflict with law shall be placed in a police lockup or lodged in a jail.

(*2*) The State Government shall make rules consistent with this Act,—

(*i*) to provide for persons through whom (including registered voluntary or non-governmental organisations) any child alleged to be in conflict with law may be produced before the Board;

(*ii*) to provide for the manner in which the child alleged to be in conflict with law may be sent to an observation home or place of safety, as the case may be.

Role of person in whose charge child in conflict with law is placed.

11. Any person in whose charge a child in conflict with law is placed, shall while the order is in force, have responsibility of the said child, as if the said person was the child's parent and responsible for the child's maintenance:

Provided that the child shall continue in such person's charge for the period stated by the Board, notwithstanding that the said child is claimed by the parents or any other person except when the Board is of the opinion that the parent or any other person are fit to exercise charge over such child.

Bail to a person who is apparently a child alleged to be in conflict with law.

12. (*1*) When any person, who is apparently a child and is alleged to have committed a bailable or non-bailable offence, is apprehended or detained by the police or appears or brought before a Board, such person shall, notwithstanding anything contained in the Code of Criminal Procedure, 1973 or in any other law for the time being in force, be released on bail with or without surety or placed under the supervision of a probation officer or under the care of any fit person:

2 of 1974.

Provided that such person shall not be so released if there appears reasonable grounds for believing that the release is likely to bring that person into association with any known criminal or expose the said person to moral, physical or psychological danger or the person's release would defeat the ends of justice, and the Board shall record the reasons for denying the bail and circumstances that led to such a decision.

(*2*) When such person having been apprehended is not released on bail under sub-section (*1*) by the officer-in-charge of the police station, such officer shall cause the person to be kept only in an observation home in such manner as may be prescribed until the person can be brought before a Board.

(*3*) When such person is not released on bail under sub-section (*1*) by the Board, it shall make an order sending him to an observation home or a place of safety, as the case may be, for such period during the pendency of the inquiry regarding the person, as may be specified in the order.

(*4*) When a child in conflict with law is unable to fulfil the conditions of bail order within seven days of the bail order, such child shall be produced before the Board for modification of the conditions of bail.

Information to parents, guardian or probation officer.

13. (*1*) Where a child alleged to be in conflict with law is apprehended, the officer designated as Child Welfare Police Officer of the police station, or the special juvenile police unit to which such child is brought, shall, as soon as possible after apprehending the child, inform —

(*i*) the parent or guardian of such child, if they can be found, and direct them to be present at the Board before which the child is produced; and

(*ii*) the probation officer, or if no probation officer is available, a Child Welfare Officer, for preparation and submission within two weeks to the Board, a social investigation report containing information regarding the antecedents and family background of the child and other material circumstances likely to be of assistance to the Board for making the inquiry.

(*2*) Where a child is released on bail, the probation officer or the Child Welfare Officer shall be informed by the Board.

Inquiry by Board regarding child in conflict with law.

14. (*1*) Where a child alleged to be in conflict with law is produced before Board, the Board shall hold an inquiry in accordance with the provisions of this Act and may pass such orders in relation to such child as it deems fit under sections 17 and 18 of this Act.

(*2*) The inquiry under this section shall be completed within a period of four months from the date of first production of the child before the Board, unless the period is extended, for a maximum period of two more months by the Board, having regard to the circumstances of the case and after recording the reasons in writing for such extension.

(*3*) A preliminary assessment in case of heinous offences under section 15 shall be disposed of by the Board within a period of three months from the date of first production of the child before the Board.

(*4*) If inquiry by the Board under sub-section (*2*) for petty offences remains inconclusive even after the extended period, the proceedings shall stand terminated:

Provided that for serious or heinous offences, in case the Board requires further extension of time for completion of inquiry, the same shall be granted by the Chief Judicial Magistrate or, as the case may be, the Chief Metropolitan Magistrate, for reasons to be recorded in writing.

(*5*) The Board shall take the following steps to ensure fair and speedy inquiry, namely:—

(*a*) at the time of initiating the inquiry, the Board shall satisfy itself that the child in conflict with law has not been subjected to any ill-treatment by the police or by any other person, including a lawyer or probation officer and take corrective steps in case of such ill-treatment;

(*b*) in all cases under the Act, the proceedings shall be conducted in simple manner as possible and care shall be taken to ensure that the child, against whom the proceedings have been instituted, is given child-friendly atmosphere during the proceedings;

(*c*) every child brought before the Board shall be given the opportunity of being heard and participate in the inquiry;

(*d*) cases of petty offences, shall be disposed of by the Board through summary proceedings, as per the procedure prescribed under the Code of Criminal Procedure, 1973; 2 of 1974.

(*e*) inquiry of serious offences shall be disposed of by the Board, by following the procedure, for trial in summons cases under the Code of Criminal Procedure, 1973; 2 of 1974.

(*f*) inquiry of heinous offences,—

(*i*) for child below the age of sixteen years as on the date of commission of an offence shall be disposed of by the Board under clause (*e*);

(*ii*) for child above the age of sixteen years as on the date of commission of an offence shall be dealt with in the manner prescribed under section 15.

Preliminary assessment into heinous offences by Board.

15. (*1*) In case of a heinous offence alleged to have been committed by a child, who has completed or is above the age of sixteen years, the Board shall conduct a preliminary assessment with regard to his mental and physical capacity to commit such offence, ability to understand the consequences of the offence and the circumstances in which he allegedly committed the offence, and may pass an order in accordance with the provisions of sub-section (*3*) of section 18:

Provided that for such an assessment, the Board may take the assistance of experienced psychologists or psycho-social workers or other experts.

Explanation.—For the purposes of this section, it is clarified that preliminary assessment is not a trial, but is to assess the capacity of such child to commit and understand the consequences of the alleged offence.

(*2*) Where the Board is satisfied on preliminary assessment that the matter should be disposed of by the Board, then the Board shall follow the procedure, as far as may be, for trial in summons case under the Code of Criminal Procedure, 1973:

2 of 1974.

Provided that the order of the Board to dispose of the matter shall be appealable under sub-section (*2*) of section 101:

Provided further that the assessment under this section shall be completed within the period specified in section 14.

Review of pendency of inquiry.

16. (*1*) The Chief Judicial Magistrate or the Chief Metropolitan Magistrate shall review the pendency of cases of the Board once in every three months, and shall direct the Board to increase the frequency of its sittings or may recommend the constitution of additional Boards.

(*2*) The number of cases pending before the Board, duration of such pendency, nature of pendency and reasons thereof shall be reviewed in every six months by a high level committee consisting of the Executive Chairperson of the State Legal Services Authority, who shall be the Chairperson, the Home Secretary, the Secretary responsible for the implementation of this Act in the State and a representative from a voluntary or non-governmental organisation to be nominated by the Chairperson.

(*3*) The information of such pendency shall also be furnished by the Board to the Chief Judicial Magistrate or the Chief Metropolitan Magistrate and the District Magistrate on quarterly basis in such form as may be prescribed by the State Government.

Orders regarding a child not found to be in conflict with law.

17. (*1*) Where a Board is satisfied on inquiry that the child brought before it has not committed any offence, then notwithstanding anything contrary contained in any other law for the time being in force, the Board shall pass order to that effect.

(*2*) In case it appears to the Board that the child referred to in sub-section (*1*) is in need of care and protection, it may refer the child to the Committee with appropriate directions.

Orders regarding child found to be in conflict with law.

18. (*1*) Where a Board is satisfied on inquiry that a child irrespective of age has committed a petty offence, or a serious offence, or a child below the age of sixteen years has committed a heinous offence, then, notwithstanding anything contrary contained in any other law for the time being in force, and based on the nature of offence, specific need for

supervision or intervention, circumstances as brought out in the social investigation report and past conduct of the child, the Board may, if it so thinks fit,—

(*a*) allow the child to go home after advice or admonition by following appropriate inquiry and counselling to such child and to his parents or the guardian;

(*b*) direct the child to participate in group counselling and similar activities;

(*c*) order the child to perform community service under the supervision of an organisation or institution, or a specified person, persons or group of persons identified by the Board;

(*d*) order the child or parents or the guardian of the child to pay fine:

Provided that, in case the child is working, it may be ensured that the provisions of any labour law for the time being in force are not violated;

(*e*) direct the child to be released on probation of good conduct and placed under the care of any parent, guardian or fit person, on such parent, guardian or fit person executing a bond, with or without surety, as the Board may require, for the good behaviour and child's well-being for any period not exceeding three years;

(*f*) direct the child to be released on probation of good conduct and placed under the care and supervision of any fit facility for ensuring the good behaviour and child's well-being for any period not exceeding three years;

(*g*) direct the child to be sent to a special home, for such period, not exceeding three years, as it thinks fit, for providing reformative services including education, skill development, counselling, behaviour modification therapy, and psychiatric support during the period of stay in the special home:

Provided that if the conduct and behaviour of the child has been such that, it would not be in the child's interest, or in the interest of other children housed in a special home, the Board may send such child to the place of safety.

(*2*) If an order is passed under clauses (*a*) to (*g*) of sub-section (*1*), the Board may, in addition pass orders to—

(*i*) attend school; or

(*ii*) attend a vocational training centre; or

(*iii*) attend a therapeutic centre; or

(*iv*) prohibit the child from visiting, frequenting or appearing at a specified place; or

(*v*) undergo a de-addiction programme.

(*3*) Where the Board after preliminary assessment under section 15 pass an order that there is a need for trial of the said child as an adult, then the Board may order transfer of the trial of the case to the Children's Court having jurisdiction to try such offences.

Powers of Children's Court.

19. (*1*) After the receipt of preliminary assessment from the Board under section 15, the Children's Court may decide that—

(*i*) there is a need for trial of the child as an adult as per the provisions of the Code of Criminal Procedure, 1973 and pass appropriate orders after trial subject to the provisions of this section and section 21, considering the special needs of the child, the tenets of fair trial and maintaining a child friendly atmosphere; 2 of 1974.

(*ii*) there is no need for trial of the child as an adult and may conduct an inquiry as a Board and pass appropriate orders in accordance with the provisions of section 18.

(*2*) The Children's Court shall ensure that the final order, with regard to a child in conflict with law, shall include an individual care plan for the rehabilitation of child, including follow up by the probation officer or the District Child Protection Unit or a social worker.

(*3*) The Children's Court shall ensure that the child who is found to be in conflict with law is sent to a place of safety till he attains the age of twenty-one years and thereafter, the person shall be transferred to a jail:

Provided that the reformative services including educational services, skill development, alternative therapy such as counselling, behaviour modification therapy, and psychiatric support shall be provided to the child during the period of his stay in the place of safety.

(*4*) The Children's Court shall ensure that there is a periodic follow up report every year by the probation officer or the District Child Protection Unit or a social worker, as required, to evaluate the progress of the child in the place of safety and to ensure that there is no ill-treatment to the child in any form.

(*5*) The reports under sub-section (*4*) shall be forwarded to the Children's Court for record and follow up, as may be required.

Child attained age of twenty-one years and yet to complete prescribed term of stay in place of safety.

20. (*1*) When the child in conflict with the law attains the age of twenty-one years and is yet to complete the term of stay, the Children's Court shall provide for a follow up by the probation officer or the District Child Protection Unit or a social worker or by itself, as required, to evaluate if such child has undergone reformative changes and if the child can be a contributing member of the society and for this purpose the progress records of the child under sub-section (*4*) of section 19, along with evaluation of relevant experts are to be taken into consideration.

(*2*) After the completion of the procedure specified under sub-section (*1*), the Children's Court may—

(*i*) decide to release the child on such conditions as it deems fit which includes appointment of a monitoring authority for the remainder of the prescribed term of stay;

(*ii*) decide that the child shall complete the remainder of his term in a jail:

Provided that each State Government shall maintain a list of monitoring authorities and monitoring procedures as may be prescribed.

Order that may not be passed against a child in conflict with law.

21. No child in conflict with law shall be sentenced to death or for life imprisonment without the possibility of release, for any such offence, either under the provisions of this Act or under the provisions of the Indian Penal Code or any other law for the time being in force.

45 of 1860.

Proceeding under Chapter VIII of the Code of Criminal Procedure not to apply against child.

22. Notwithstanding anything to the contrary contained in the Code of Criminal Procedure, 1973, or any preventive detention law for the time being in force, no proceeding shall be instituted and no order shall be passed against any child under Chapter VIII of the said Code.

2 of 1974.

No joint proceedings of child in conflict with law and person not a child.

23. (*1*) Notwithstanding anything contained in section 223 of the Code of Criminal Procedure, 1973 or in any other law for the time being in force, there shall be no joint proceedings of a child alleged to be in conflict with law, with a person who is not a child.

2 of 1974.

(*2*) If during the inquiry by the Board or by the Children's Court, the person alleged to be in conflict with law is found that he is not a child, such person shall not be tried along with a child.

Removal of disqualification on the findings of an offence.

24. (*1*) Notwithstanding anything contained in any other law for the time being in force, a child who has committed an offence and has been dealt with under the provisions of this Act shall not suffer disqualification, if any, attached to a conviction of an offence under such law:

Provided that in case of a child who has completed or is above the age of sixteen years and is found to be in conflict with law by the Children's Court under clause (*i*) of sub-section (*1*) of section 19, the provisions of sub-section (*1*) shall not apply.

(*2*) The Board shall make an order directing the Police, or by the Children's court to its own registry that the relevant records of such conviction shall be destroyed after the expiry of the period of appeal or, as the case may be, a reasonable period as may be prescribed:

Provided that in case of a heinous offence where the child is found to be in conflict with law under clause (*i*) of sub-section (*1*) of section 19, the relevant records of conviction of such child shall be retained by the Children's Court.

Special provision in respect of pending cases.

25. Notwithstanding anything contained in this Act, all proceedings in respect of a child alleged or found to be in conflict with law pending before any Board or court on the date of commencement of this Act, shall be continued in that Board or court as if this Act had not been enacted.

Provision with respect of run away child in conflict with law.

26. (*1*) Notwithstanding anything to the contrary contained in any other law for the time being in force, any police officer may take charge of a child in conflict with law who has run away from a special home or an observation home or a place of safety or from the care of a person or institution under whom the child was placed under this Act.

(*2*) The child referred to in sub-section (*1*) shall be produced, within twenty-four hours, preferably before the Board which passed the original order in respect of that child, if possible, or to the nearest Board where the child is found.

(*3*) The Board shall ascertain the reasons for the child having run away and pass appropriate orders for the child to be sent back either to the institution or person from whose custody the child had run away or any other similar place or person, as the Board may deem fit:

Provided that the Board may also give additional directions regarding any special steps that may be deemed necessary, for the best interest of the child.

(*4*) No additional proceeding shall be instituted in respect of such child.

CHAPTER V

CHILD WELFARE COMMITTEE

Child Welfare Committee.

27. (*1*) The State Government shall by notification in the Official Gazette constitute for every district, one or more Child Welfare Committees for exercising the powers and to discharge the duties conferred on such Committees in relation to children in need of care and protection under this Act and ensure that induction training and sensitisation of all members of the committee is provided within two months from the date of notification.

(*2*) The Committee shall consist of a Chairperson, and four other members as the State Government may think fit to appoint, of whom atleast one shall be a woman and another, an expert on the matters concerning children.

(*3*) The District Child Protection Unit shall provide a Secretary and other staff that may be required for secretarial support to the Committee for its effective functioning.

(*4*) No person shall be appointed as a member of the Committee unless such person has been actively involved in health, education or welfare activities pertaining to children for atleast seven years or is a practicing professional with a degree in child psychology or psychiatry or law or social work or sociology or human development.

(*5*) No person shall be appointed as a member unless he possesses such other qualifications as may be prescribed.

(*6*) No person shall be appointed for a period of more than three years as a member of the Committee.

(*7*) The appointment of any member of the Committee shall be terminated by the State Government after making an inquiry, if—

(*i*) he has been found guilty of misuse of power vested on him under this Act;

(*ii*) he has been convicted of an offence involving moral turpitude and such conviction has not been reversed or he has not been granted full pardon in respect of such offence;

(*iii*) he fails to attend the proceedings of the Committee consecutively for three months without any valid reason or he fails to attend less than three-fourths of the sittings in a year.

(*8*) The District Magistrate shall conduct a quarterly review of the functioning of the Committee.

(*9*) The Committee shall function as a Bench and shall have the powers conferred by the Code of Criminal Procedure, 1973 on a Metropolitan Magistrate or, as the case may be, a Judicial Magistrate of First Class. 2 of 1974.

(*10*) The District Magistrate shall be the grievances redressal authority for the Child Welfare Committee and anyone connected with the child, may file a petition before the District Magistrate, who shall consider and pass appropriate orders.

Procedure in relation to Committee.

28. (*1*) The Committee shall meet at least twenty days in a month and shall observe such rules and procedures with regard to the transaction of business at its meetings, as may be prescribed.

(*2*) A visit to an existing child care institution by the Committee, to check its functioning and well being of children shall be considered as a sitting of the Committee.

(*3*) A child in need of care and protection may be produced before an individual member of the Committee for being placed in a Children's Home or fit person when the Committee is not in session.

(*4*) In the event of any difference of opinion among the members of the Committee at the time of taking any decision, the opinion of the majority shall prevail but where there is no such majority, the opinion of the Chairperson shall prevail.

(*5*) Subject to the provisions of sub-section (*1*), the Committee may act, notwithstanding the absence of any member of the Committee, and no order made by the Committee shall be invalid by reason only of the absence of any member during any stage of the proceeding:

Provided that there shall be at least three members present at the time of final disposal of the case.

Powers of Committee.

29. (*1*) The Committee shall have the authority to dispose of cases for the care, protection, treatment, development and rehabilitation of children in need of care and protection, as well as to provide for their basic needs and protection.

(*2*) Where a Committee has been constituted for any area, such Committee shall, notwithstanding anything contained in any other law for the time being in force, but save as otherwise expressly provided in this Act, have the power to deal exclusively with all proceedings under this Act relating to children in need of care and protection.

Functions and responsibilities of Committee.

30. The functions and responsibilities of the Committee shall include—

(*i*) taking cognizance of and receiving the children produced before it;

(*ii*) conducting inquiry on all issues relating to and affecting the safety and well-being of the children under this Act;

(*iii*) directing the Child Welfare Officers or probation officers or District Child Protection Unit or non-governmental organisations to conduct social investigation and submit a report before the Committee;

(*iv*) conducting inquiry for declaring fit persons for care of children in need of care and protection;

(*v*) directing placement of a child in foster care;

(*vi*) ensuring care, protection, appropriate rehabilitation or restoration of children in need of care and protection, based on the child's individual care plan and passing necessary directions to parents or guardians or fit persons or children's homes or fit facility in this regard;

(*vii*) selecting registered institution for placement of each child requiring institutional support, based on the child's age, gender, disability and needs and keeping in mind the available capacity of the institution;

(*viii*) conducting at least two inspection visits per month of residential facilities for children in need of care and protection and recommending action for improvement in quality of services to the District Child Protection Unit and the State Government;

(*ix*) certifying the execution of the surrender deed by the parents and ensuring that they are given time to reconsider their decision as well as making all efforts to keep the family together;

(*x*) ensuring that all efforts are made for restoration of abandoned or lost children to their families following due process, as may be prescribed;

(*xi*) declaration of orphan, abandoned and surrendered child as legally free for adoption after due inquiry;

(*xii*) taking *suo motu* cognizance of cases and reaching out to children in need of care and protection, who are not produced before the Committee, provided that such decision is taken by at least three members;

(*xiii*) taking action for rehabilitation of sexually abused children who are reported as children in need of care and protection to the Committee by Special Juvenile Police Unit or local police, as the case may be, under the Protection of Children from Sexual Offences Act, 2012; 32 of 2012.

(*xiv*) dealing with cases referred by the Board under sub-section (*2*) of section 17;

(*xv*) co-ordinate with the police, labour department and other agencies involved in the care and protection of children with support of the District Child Protection Unit or the State Government;

(*xvi*) in case of a complaint of abuse of a child in any child care institution, the Committee shall conduct an inquiry and give directions to the police or the District Child Protection Unit or labour department or childline services, as the case may be;

(*xvii*) accessing appropriate legal services for children;

(*xviii*) such other functions and responsibilities, as may be prescribed.

CHAPTER VI

PROCEDURE IN RELATION TO CHILDREN IN NEED OF CARE AND PROTECTION

Production before Committee.

31. (*1*) Any child in need of care and protection may be produced before the Committee by any of the following persons, namely:—

(*i*) any police officer or special juvenile police unit or a designated Child Welfare Police Officer or any officer of District Child Protection Unit or inspector appointed under any labour law for the time being in force;

(*ii*) any public servant;

(*iii*) Childline Services or any voluntary or non-governmental organisation or any agency as may be recognised by the State Government;

(*iv*) Child Welfare Officer or probation officer;

(*v*) any social worker or a public spirited citizen;

(*vi*) by the child himself; or

(*vii*) any nurse, doctor or management of a nursing home, hospital or maternity home:

Provided that the child shall be produced before the Committee without any loss of time but within a period of twenty-four hours excluding the time necessary for the journey.

(*2*) The State Government may make rules consistent with this Act, to provide for the manner of submitting the report to the Committee and the manner of sending and entrusting the child to children's home or fit facility or fit person, as the case may be, during the period of the inquiry.

Mandatory reporting regarding a child found separated from guardian.

32. (*1*) Any individual or a police officer or any functionary of any organisation or a nursing home or hospital or maternity home, who or which finds and takes charge, or is handed over a child who appears or claims to be abandoned or lost, or a child who appears or claims to be an orphan without family support, shall within twenty-four hours (excluding the time necessary for the journey), give information to the Childline Services or the nearest police station or to a Child Welfare Committee or to the District Child Protection Unit, or hand over the child to a child care institution registered under this Act, as the case may be.

(*2*) The information regarding a child referred to in sub-section (*1*) shall be mandatorily uploaded on a portal as may be specified by the Central Government or the Committee or the District Child Protection Unit or the child care institution, as the case may be.

Offence of non-reporting.

33. If information regarding a child as required under section 32 is not given within the period specified in the said section, then, such act shall be regarded as an offence.

Penalty for non-reporting.

34. Any person who has committed an offence under section 33 shall be liable to imprisonment up to six months or fine of ten thousand rupees or both.

Surrender of children.

35. (*1*) A parent or guardian, who for physical, emotional and social factors beyond their control, wishes to surrender a child, shall produce the child before the Committee.

(*2*) If, after prescribed process of inquiry and counselling, the Committee is satisfied, a surrender deed shall be executed by the parent or guardian, as the case may be, before the Committee.

(*3*) The parents or guardian who surrendered the child, shall be given two months time to reconsider their decision and in the intervening period the Committee shall either allow, after due inquiry, the child to be with the parents or guardian under supervision, or place the child in a Specialised Adoption Agency, if he or she is below six years of age, or a children's home if he is above six years.

Inquiry.

36. (*1*) On production of a child or receipt of a report under section 31, the Committee shall hold an inquiry in such manner as may be prescribed and the Committee, on its own or on the report from any person or agency as specified in sub-section (*2*) of section 31, may pass an order to send the child to the children's home or a fit facility or fit person, and for speedy social investigation by a social worker or Child Welfare Officer or Child Welfare Police Officer:

Provided that all children below six years of age, who are orphan, surrendered or appear to be abandoned shall be placed in a Specialised Adoption Agency, where available.

(*2*) The social investigation shall be completed within fifteen days so as to enable the Committee to pass final order within four months of first production of the child:

Provided that for orphan, abandoned or surrendered children, the time for completion of inquiry shall be as specified in section 38.

(*3*) After the completion of the inquiry, if Committee is of the opinion that the said child has no family or ostensible support or is in continued need of care and protection, it may send the child to a Specialised Adoption Agency if the child is below six years of age, children's home or to a fit facility or person or foster family, till suitable means of rehabilitation are found for the child, as may be prescribed, or till the child attains the age of eighteen years:

Provided that the situation of the child placed in a children's home or with a fit facility or person or a foster family, shall be reviewed by the Committee, as may be prescribed.

(*4*) The Committee shall submit a quarterly report on the nature of disposal of cases and pendency of cases to the District Magistrate in the manner as may be prescribed, for review of pendency of cases.

(*5*) After review under sub-section (*4*), the District Magistrate shall direct the Committee to take necessary remedial measures to address the pendency, if necessary and send a report of such reviews to the State Government, who may cause the constitution of additional Committees, if required:

Provided that if the pendency of cases continues to be unaddressed by the Committee even after three months of receiving such directions, the State Government shall terminate the said Committee and shall constitute a new Committee.

(*6*) In anticipation of termination of the Committee and in order that no time is lost in constituting a new Committee, the State Government shall maintain a standing panel of eligible persons to be appointed as members of the Committee.

(*7*) In case of any delay in the constitution of a new Committee under sub-section (*5*), the Child Welfare Committee of a nearby district shall assume responsibility in the intervening period.

Orders passed regarding a child in need of care and protection.

37.(*1*) The Committee on being satisfied through the inquiry that the child before the Committee is a child in need of care and protection, may, on consideration of Social Investigation Report submitted by Child Welfare Officer and taking into account the child's wishes in case the child is sufficiently mature to take a view, pass one or more of the following orders, namely:—

(*a*) declaration that a child is in need of care and protection;

(*b*) restoration of the child to parents or guardian or family with or without supervision of Child Welfare Officer or designated social worker;

(*c*) placement of the child in Children's Home or fit facility or Specialised Adoption Agency for the purpose of adoption for long term or temporary care, keeping in mind the capacity of the institution for housing such children, either after reaching the conclusion that the family of the child cannot be traced or even if traced, restoration of the child to the family is not in the best interest of the child;

(*d*) placement of the child with fit person for long term or temporary care;

(*e*) foster care orders under section 44;

(*f*) sponsorship orders under section 45;

(*g*) directions to persons or institutions or facilities in whose care the child is placed, regarding care, protection and rehabilitation of the child, including directions relating to immediate shelter and services such as medical attention, psychiatric and psychological support including need-based counselling, occupational therapy or

behaviour modification therapy, skill training, legal aid, educational services, and other developmental activities, as required, as well as follow-up and coordination with the District Child Protection Unit or State Government and other agencies;

(*h*) declaration that the child is legally free for adoption under section 38.

(*2*) The Committee may also pass orders for —

(*i*) declaration of fit persons for foster care;

(*ii*) getting after care support under section 46 of the Act; or

(*iii*) any other order related to any other function as may be prescribed.

Procedure for declaring a child legally free for adoption.

38. (*1*) In case of orphan and abandoned child, the Committee shall make all efforts for tracing the parents or guardians of the child and on completion of such inquiry, if it is established that the child is either an orphan having no one to take care, or abandoned, the Committee shall declare the child legally free for adoption:

Provided that such declaration shall be made within a period of two months from the date of production of the child, for children who are up to two years of age and within four months for children above two years of age:

Provided further that notwithstanding anything contained in this regard in any other law for the time being in force, no first information report shall be registered against any biological parent in the process of inquiry relating to an abandoned or surrendered child under this Act.

(*2*) In case of surrendered child, the institution where the child has been placed by the Committee on an application for surrender, shall bring the case before the Committee immediately on completion of the period specified in section 35, for declaring the child legally free for adoption.

(*3*) Notwithstanding anything contained in any other law for the time being in force, a child of a mentally retarded parents or a unwanted child of victim of sexual assault, such child may be declared free for adoption by the Committee, by following the procedure under this Act.

(*4*) The decision to declare an orphan, abandoned or surrendered child as legally free for adoption shall be taken by at least three members of the Committee.

(*5*) The Committee shall inform the State Agency and the Authority regarding the number of children declared as legally free for adoption and number of cases pending for decision in the manner as may be prescribed, every month.

CHAPTER VII

Rehabilitation and social re-integration

Process of rehabilitation and social re-integration.

39. (*1*) The process of rehabilitation and social integration of children under this Act shall be undertaken, based on the individual care plan of the child, preferably through family based care such as by restoration to family or guardian with or without supervision or sponsorship, or adoption or foster care:

Provided that all efforts shall be made to keep siblings placed in institutional or non-institutional care, together, unless it is in their best interest not to be kept together.

(*2*) For children in conflict with law the process of rehabilitation and social integration shall be undertaken in the observation homes, if the child is not released on bail or in special homes or place of safety or fit facility or with a fit person, if placed there by the order of the Board.

(*3*) The children in need of care and protection who are not placed in families for any reason may be placed in an institution registered for such children under this Act or with a

fit person or a fit facility, on a temporary or long-term basis, and the process of rehabilitation and social integration shall be undertaken wherever the child is so placed.

(*4*) The Children in need of care and protection who are leaving institutional care or children in conflict with law leaving special homes or place of safety on attaining eighteen years of age, may be provided financial support as specified in section 46, to help them to re-integrate into the mainstream of the society.

Restoration of child in need of care and protection.

40. (*1*) The restoration and protection of a child shall be the prime objective of any Children's Home, Specialised Adoption Agency or open shelter.

(*2*) The Children's Home, Specialised Adoption Agency or an open shelter, as the case may be, shall take such steps as are considered necessary for the restoration and protection of a child deprived of his family environment temporarily or permanently where such child is under their care and protection.

(*3*) The Committee shall have the powers to restore any child in need of care and protection to his parents, guardian or fit person, as the case may be, after determining the suitability of the parents or guardian or fit person to take care of the child, and give them suitable directions.

Explanation.—For the purposes of this section, "restoration and protection of a child" means restoration to—

(*a*) parents;

(*b*) adoptive parents;

(*c*) foster parents;

(*d*) guardian; or

(*e*) fit person.

Registration of child care institutions.

41. (*1*) Notwithstanding anything contained in any other law for the time being in force, all institutions, whether run by a State Government or by voluntary or non-governmental organisations, which are meant, either wholly or partially, for housing children in need of care and protection or children in conflict with law, shall, be registered under this Act in such manner as may be prescribed, within a period of six months from the date of commencement of this Act, regardless of whether they are receiving grants from the Central Government or, as the case may be, the State Government or not:

Provided that the institutions having valid registration under the Juvenile Justice (Care and Protection of Children) Act, 2000 on the date of commencement of this Act shall be deemed to have been registered under this Act. 56 of 2000.

(*2*) At the time of registration under this section, the State Government shall determine and record the capacity and purpose of the institution and shall register the institution as a Children's Home or open shelter or Specialised Adoption Agency or observation home or special home or place of safety, as the case may be.

(*3*) On receipt of application for registration under sub-section (*1*), from an existing or new institution housing children in need of care and protection of children in conflict with law, the State Government may grant provisional registration, within one month from the date of receipt of application, for a maximum period of six months, in order to bring such institution under the purview of this Act, and shall determine the capacity of the Home which shall be mentioned in the registration certificate:

Provided that if the said institution does not fulfill the prescribed criteria for registration, within the period specified in sub-section (*1*), the provisional registration shall stand cancelled and the provisions of sub-section (*5*) shall apply.

(*4*) If the State Government does not issue a provisional registration certificate within one month from the date of application, the proof of receipt of application for registration shall be treated as provisional registration to run an institution for a maximum period of six months.

(*5*) If the application for registration is not disposed of within six months by any officer or officers of any State Government, it shall be regarded as dereliction of duty on their part by their higher controlling authority and appropriate departmental proceedings shall be initiated.

(*6*) The period of registration of an institution shall be five years, and it shall be subject to renewal in every five years.

(*7*) The State Government may, after following the procedure as may be prescribed, cancel or withhold registration, as the case may be, of such institutions which fail to provide rehabilitation and reintegration services as specified in section 53 and till such time that the registration of an institution is renewed or granted, the State Government shall manage the institution.

(*8*) Any child care institution registered under this section shall be duty bound to admit children, subject to the capacity of the institution, as directed by the Committee, whether they are receiving grants from the Central Government or, as the case may be, the State Government or not.

(*9*) Notwithstanding anything contained in any other law for the time being in force, the inspection committee appointed under section 54, shall have the powers to inspect any institution housing children, even if not registered under this Act to determine whether such institution is housing children in need of care and protection.

Penalty for non-registration of child care institutions.

42. Any person, or persons, in-charge of an institution housing children in need of care and protection and children in conflict with law, who fails to comply with the provisions of sub-section (*1*) of section 41, shall be punished with imprisonment which may extend to one year or a fine of not less than one lakh rupees or both:

Provided that every thirty days delay in applying for registration shall be considered as a separate offence.

Open shelter.

43. (*1*) The State Government may establish and maintain, by itself or through voluntary or non-governmental organisations, as many open shelters as may be required, and such open shelters shall be registered as such, in the manner as may be prescribed.

(*2*) The open shelters referred to in sub-section (*1*) shall function as a community based facility for children in need of residential support, on short term basis, with the objective of protecting them from abuse or weaning them, or keeping them, away from a life on the streets.

(*3*) The open shelters shall send every month information, in the manner as may be prescribed, regarding children availing the services of the shelter, to the District Child Protection Unit and the Committee.

Foster care.

44. (*1*) The children in need of care and protection may be placed in foster care, including group foster care for their care and protection through orders of the Committee, after following the procedure as may be prescribed in this regard, in a family which does not include the child's biological or adoptive parents or in an unrelated family recognised as suitable for the purpose by the State Government, for a short or extended period of time.

(*2*) The selection of the foster family shall be based on family's ability, intent, capacity and prior experience of taking care of children.

(*3*) All efforts shall be made to keep siblings together in foster families, unless it is in their best interest not to be kept together.

(*4*) The State Government, after taking into account the number of children, shall provide monthly funding for such foster care through District Child Protection Unit after following the procedure, as may be prescribed, for inspection to ensure well being of the children.

(*5*) In cases where children have been placed in foster care for the reason that their parents have been found to be unfit or incapacitated by the Committee, the child's parents may visit the child in the foster family at regular intervals, unless the Committee feels that such visits are not in the best interest of the child, for reasons to be recorded therefor; and eventually, the child may return to the parent's homes once the parents are determined by the Committee to be fit to take care of the child.

(*6*) The foster family shall be responsible for providing education, health and nutrition to the child and shall ensure the overall well being of the child in such manner, as may be prescribed.

(*7*) The State Government may make rules for the purpose of defining the procedure, criteria and the manner in which foster care services shall be provided for children.

(*8*) The inspection of foster families shall be conducted every month by the Committee in the form as may be prescribed to check the well-being of the child and whenever a foster family is found lacking in taking care of the child, the child shall be removed from that foster family and shifted to another foster family as the Committee may deem fit.

(*9*) No child regarded as adoptable by the Committee shall be given for long-term foster care.

Sponsorship.

45. (*1*) The State Government shall make rules for the purpose of undertaking various programmes of sponsorship of children, such as individual to individual sponsorship, group sponsorship or community sponsorship.

(*2*) The criteria for sponsorship shall include,—

(*i*) where mother is a widow or divorced or abandoned by family;

(*ii*) where children are orphan and are living with the extended family;

(*iii*) where parents are victims of life threatening disease;

(*iv*) where parents are incapacitated due to accident and unable to take care of children both financially and physically.

(*3*) The duration of sponsorship shall be such as may be prescribed.

(*4*) The sponsorship programme may provide supplementary support to families, to Children's Homes and to special homes to meet medical, nutritional, educational and other needs of the children, with a view to improving their quality of life.

After care of children leaving child care institution.

46. Any child leaving a child care institution on completion of eighteen years of age may be provided with financial support in order to facilitate child's re-integration into the mainstream of the society in the manner as may be prescribed.

Observation homes.

47. (*1*) The State Government shall establish and maintain in every district or a group of districts, either by itself, or through voluntary or non-governmental organisations, observation homes, which shall be registered under section 41 of this Act, for temporary reception, care and rehabilitation of any child alleged to be in conflict with law, during the pendency of any inquiry under this Act.

(*2*) Where the State Government is of the opinion that any registered institution other than a home established or maintained under sub-section (*1*), is fit for the temporary reception of such child alleged to be in conflict with law during the pendency of any inquiry under this Act, it may register such institution as an observation home for the purposes of this Act.

(*3*) The State Government may, by rules made under this Act, provide for the management and monitoring of observation homes, including the standards and various types of services to be provided by them for rehabilitation and social integration of a child alleged to be in conflict with law and the circumstances under which, and the manner in which, the registration of an observation home may be granted or withdrawn.

(*4*) Every child alleged to be in conflict with law who is not placed under the charge of parent or guardian and is sent to an observation home shall be segregated according to the child's age and gender, after giving due consideration to physical and mental status of the child and degree of the offence committed.

Special homes.

48. (*1*) The State Government may establish and maintain either by itself or through voluntary or non-governmental organisations, special homes, which shall be registered as such, in the manner as may be prescribed, in every district or a group of districts, as may be required for rehabilitation of those children in conflict with law who are found to have committed an offence and who are placed there by an order of the Juvenile Justice Board made under section 18.

(*2*) The State Government may, by rules, provide for the management and monitoring of special homes, including the standards and various types of services to be provided by them which are necessary for social re-integration of a child, and the circumstances under which, and the manner in which, the registration of a special home may be granted or withdrawn.

(*3*) The rules made under sub-section (*2*) may also provide for the segregation and separation of children found to be in conflict with law on the basis of age, gender, the nature of offence committed by them and the child's mental and physical status.

Place of safety.

49. (*1*) The State Government shall set up atleast one place of safety in a State registered under section 41, so as to place a person above the age of eighteen years or child in conflict with law, who is between the age of sixteen to eighteen years and is accused of or convicted for committing a heinous offence.

(*2*) Every place of safety shall have separate arrangement and facilities for stay of such children or persons during the process of inquiry and children or persons convicted of committing an offence.

(*3*) The State Government may, by rules, prescribe the types of places that can be designated as place of safety under sub-section (*1*) and the facilities and services that may be provided therein.

Children's Home.

50. (*1*) The State Government may establish and maintain, in every district or group of districts, either by itself or through voluntary or non-governmental organisations, Children's Homes, which shall be registered as such, for the placement of children in need of care and protection for their care, treatment, education, training, development and rehabilitation.

(*2*) The State Government shall designate any Children's Home as a home fit for children with special needs delivering specialised services, depending on requirement.

(*3*) The State Government may, by rules, provide for the monitoring and management of Children's Homes including the standards and the nature of services to be provided by them, based on individual care plans for each child.

Fit facility.

51. (*1*) The Board or the Committee shall recognise a facility being run by a Governmental organisation or a voluntary or non-governmental organisation registered under any law for the time being in force to be fit to temporarily take the responsibility of a child for a specific purpose after due inquiry regarding the suitability of the facility and the organisation to take care of the child in such manner as may be prescribed.

(*2*) The Board or the Committee may withdraw the recognition under sub-section (*1*) for reasons to be recorded in writing.

Fit person.

52. (*1*) The Board or the Committee shall, after due verification of credentials, recognise any person fit to temporarily receive a child for care, protection and treatment of such child for a specified period and in the manner as may be prescribed.

(*2*) The Board or Committee, as the case may be, may withdraw the recognition granted under sub-section (*1*) for reasons to be recorded in writing.

Rehabilitation and re-integration services in institutions registered under this Act and management thereof.

53. (*1*) The services that shall be provided, by the institutions registered under this Act in the process of rehabilitation and re-integration of children, shall be in such manner as may be prescribed, which may include—

(*i*) basic requirements such as food, shelter, clothing and medical attention as per the prescribed standards;

(*ii*) equipment such as wheel-chairs, prosthetic devices, hearing aids, braille kits, or any other suitable aids and appliances as required, for children with special needs;

(*iii*) appropriate education, including supplementary education, special education, and appropriate education for children with special needs:

Provided that for children between the age of six to fourteen years, the provisions of the Right of Children to Free and Compulsory Education Act, 2009 shall apply; 35 of 2009.

(*iv*) skill development;

(*v*) occupational therapy and life skill education;

(*vi*) mental health interventions, including counselling specific to the need of the child;

(*vii*) recreational activities including sports and cultural activities;

(*viii*) legal aid where required;

(*ix*) referral services for education, vocational training, de-addiction, treatment of diseases where required;

(*x*) case management including preparation and follow up of individual care plan;

(*xi*) birth registration;

(*xii*) assistance for obtaining the proof of identity, where required; and

(*xiii*) any other service that may reasonably be provided in order to ensure the well-being of the child, either directly by the State Government, registered or fit individuals or institutions or through referral services.

(*2*) Every institution shall have a Management Committee, to be set up in a manner as may be prescribed, to manage the institution and monitor the progress of every child.

(*3*) The officer in-charge of every institution, housing children above six years of age, shall facilitate setting up of children's committees for participating in such activities as may be prescribed, for the safety and well-being of children in the institution.

Inspection of institutions registered under this Act.

54. (*1*) The State Government shall appoint inspection committees for the State and district, as the case may be, for all institutions registered or recognised to be fit under this Act for such period and for such purposes, as may be prescribed.

(*2*) Such inspection committees shall mandatorily conduct visits to all facilities housing children in the area allocated, at least once in three months in a team of not less than three members, of whom at least one shall be a woman and one shall be a medical officer, and submit reports of the findings of such visits within a week of their visit, to the District Child Protection Units or State Government, as the case may be, for further action.

(*3*) On the submission of the report by the inspection committee within a week of the inspection, appropriate action shall be taken within a month by the District Child Protection Unit or the State Government and a compliance report shall be submitted to the State Government.

Evaluation of functioning of structures.

55. (*1*) The Central Government or State Government may independently evaluate the functioning of the Board, Committee, special juvenile police units, registered institutions, or recognised fit facilities and persons, at such period and through such persons or institutions as may be prescribed by that Government.

(*2*) In case such independent evaluation is conducted by both the Governments, the evaluation made by the Central Government shall prevail.

CHAPTER VIII

ADOPTION

Adoption.

56. (*1*) Adoption shall be resorted to for ensuring right to family for the orphan, abandoned and surrendered children, as per the provisions of this Act, the rules made thereunder and the adoption regulations framed by the Authority.

(*2*) Adoption of a child from a relative by another relative, irrespective of their religion, can be made as per the provisions of this Act and the adoption regulations framed by the Authority.

(*3*) Nothing in this Act shall apply to the adoption of children made under the provisions of the Hindu Adoption and Maintenance Act, 1956. 78 of 1956.

(*4*) All inter-country adoptions shall be done only as per the provisions of this Act and the adoption regulations framed by the Authority.

(*5*) Any person, who takes or sends a child to a foreign country or takes part in any arrangement for transferring the care and custody of a child to another person in a foreign country without a valid order from the Court, shall be punishable as per the provisions of section 80.

Eligibility of prospective adoptive parents.

57. (*1*) The prospective adoptive parents shall be physically fit, financially sound, mentally alert and highly motivated to adopt a child for providing a good upbringing to him.

(*2*) In case of a couple, the consent of both the spouses for the adoption shall be required.

(*3*) A single or divorced person can also adopt, subject to fulfilment of the criteria and in accordance with the provisions of adoption regulations framed by the Authority.

(*4*) A single male is not eligible to adopt a girl child.

(*5*) Any other criteria that may be specified in the adoption regulations framed by the Authority.

Procedure for adoption by Indian prospective adoptive parents living in India.

58. (*1*) Indian prospective adoptive parents living in India, irrespective of their religion, if interested to adopt an orphan or abandoned or surrendered child, may apply for the same to a Specialised Adoption Agency, in the manner as provided in the adoption regulations framed by the Authority.

(*2*) The Specialised Adoption Agency shall prepare the home study report of the prospective adoptive parents and upon finding them eligible, will refer a child declared legally free for adoption to them along with the child study report and medical report of the child, in the manner as provided in the adoption regulations framed by the Authority.

(*3*) On the receipt of the acceptance of the child from the prospective adoptive parents along with the child study report and medical report of the child signed by such parents, the Specialised Adoption Agency shall give the child in pre-adoption foster care and file an application in the court for obtaining the adoption order, in the manner as provided in the adoption regulations framed by the Authority.

(*4*) On the receipt of a certified copy of the court order, the Specialised Adoption Agency shall send immediately the same to the prospective adoptive parents.

(5) The progress and wellbeing of the child in the adoptive family shall be followed up and ascertained in the manner as provided in the adoption regulations framed by the Authority.

Procedure for inter-country adoption of an orphan or abandoned or surrendered child.

59. (1) If an orphan or abandoned or surrendered child could not be placed with an Indian or non-resident Indian prospective adoptive parent despite the joint effort of the Specialised Adoption Agency and State Agency within sixty days from the date the child has been declared legally free for adoption, such child shall be free for inter-country adoption:

Provided that children with physical and mental disability, siblings and children above five years of age may be given preference over other children for such inter-country adoption, in accordance with the adoption regulations, as may be framed by the Authority.

(2) An eligible non-resident Indian or overseas citizen of India or persons of Indian origin shall be given priority in inter-country adoption of Indian children.

(3) A non-resident Indian or overseas citizen of India, or person of Indian origin or a foreigner, who are prospective adoptive parents living abroad, irrespective of their religion, if interested to adopt an orphan or abandoned or surrendered child from India, may apply for the same to an authorised foreign adoption agency, or Central Authority or a concerned Government department in their country of habitual residence, as the case may be, in the manner as provided in the adoption regulations framed by the Authority.

(4) The authorised foreign adoption agency, or Central Authority, or a concerned Government department, as the case may be, shall prepare the home study report of such prospective adoptive parents and upon finding them eligible, will sponsor their application to Authority for adoption of a child from India, in the manner as provided in the adoption regulations framed by the Authority.

(5) On the receipt of the application of such prospective adoptive parents, the Authority shall examine and if it finds the applicants suitable, then, it will refer the application to one of the Specialised Adoption Agencies, where children legally free for adoption are available.

(6) The Specialised Adoption Agency will match a child with such prospective adoptive parents and send the child study report and medical report of the child to such parents, who in turn may accept the child and return the child study and medical report duly signed by them to the said agency.

(7) On receipt of the acceptance of the child from the prospective adoptive parents, the Specialised Adoption Agency shall file an application in the court for obtaining the adoption order, in the manner as provided in the adoption regulations framed by the Authority.

(8) On the receipt of a certified copy of the court order, the specialised adoption agency shall send immediately the same to Authority, State Agency and to the prospective adoptive parents, and obtain a passport for the child.

(9) The Authority shall intimate about the adoption to the immigration authorities of India and the receiving country of the child.

(10) The prospective adoptive parents shall receive the child in person from the specialised adoption agency as soon as the passport and visa are issued to the child.

(11) The authorised foreign adoption agency, or Central Authority, or the concerned Government department, as the case may be, shall ensure the submission of progress reports about the child in the adoptive family and will be responsible for making alternative arrangement in the case of any disruption, in consultation with Authority and concerned Indian diplomatic mission, in the manner as provided in the adoption regulations framed by the Authority.

(12) A foreigner or a person of Indian origin or an overseas citizen of India, who has habitual residence in India, if interested to adopt a child from India, may apply to Authority for the same along with a no objection certificate from the diplomatic mission of his country in India, for further necessary actions as provided in the adoption regulations framed by the Authority.

Procedure for inter-country relative adoption.

60. (*1*) A relative living abroad, who intends to adopt a child from his relative in India shall obtain an order from the court and apply for no objection certificate from Authority, in the manner as provided in the adoption regulations framed by the Authority.

(*2*) The Authority shall on receipt of the order under sub-section (*1*) and the application from either the biological parents or from the adoptive parents, issue no objection certificate under intimation to the immigration authority of India and of the receiving country of the child.

(*3*) The adoptive parents shall, after receiving no objection certificate under sub-section (*2*), receive the child from the biological parents and shall facilitate the contact of the adopted child with his siblings and biological parents from time to time.

Court procedure and penalty against payment in consideration of adoption.

61. (*1*) Before issuing an adoption order, the court shall satisfy itself that —

(*a*) the adoption is for the welfare of the child; (*b*) due consideration is given to the wishes of the child having regard to the age and understanding of the child; and (*c*) that neither the prospective adoptive parents has given or agreed to give nor the specialised adoption agency or the parent or guardian of the child in case of relative adoption has received or agreed to receive any payment or reward in consideration of the adoption, except as permitted under the adoption regulations framed by the Authority towards the adoption fees or service charge or child care corpus.

(*2*) The adoption proceedings shall be held *in camera* and the case shall be disposed of by the court within a period of two months from the date of filing.

Additional procedural requirements and documentation.

62. (*1*) The documentation and other procedural requirements, not expressly provided in this Act with regard to the adoption of an orphan, abandoned and surrendered child by Indian prospective adoptive parents living in India, or by non-resident Indian or overseas citizen of India or person of Indian origin or foreigner prospective adoptive parents, shall be as per the adoption regulations framed by the Authority.

(*2*) The specialised adoption agency shall ensure that the adoption case of prospective adoptive parents is disposed of within four months from the date of receipt of application and the authorised foreign adoption agency, Authority and State Agency shall track the progress of the adoption case and intervene wherever necessary, so as to ensure that the time line is adhered to.

Effect of adoption.

63. A child in respect of whom an adoption order is issued by the court, shall become the child of the adoptive parents, and the adoptive parents shall become the parents of the child as if the child had been born to the adoptive parents, for all purposes, including intestacy, with effect from the date on which the adoption order takes effect, and on and from such date all the ties of the child in the family of his or her birth shall stand severed and replaced by those created by the adoption order in the adoptive family:

Provided that any property which has vested in the adopted child immediately before the date on which the adoption order takes effect shall continue to vest in the adopted child subject to the obligations, if any, attached to the ownership of such property including the obligations, if any, to maintain the relatives in the biological family.

Reporting of adoption.

64. Notwithstanding anything contained in any other law for the time being in force, information regarding all adoption orders issued by the concerned courts, shall be forwarded to Authority on monthly basis in the manner as provided in the adoption regulations framed by the Authority, so as to enable Authority to maintain the data on adoption.

Specialised Adoption Agencies.

65. (*1*) The State Government shall recognise one or more institutions or organisations in each district as a Specialised Adoption Agency, in such manner as may be provided in the adoption regulations framed by the Authority, for the rehabilitation of orphan, abandoned or surrendered children, through adoption and non-institutional care.

(*2*) The State Agency shall furnish the name, address and contact details of the Specialised Adoption Agencies along with copies of certificate or letter of recognition or renewal to Authority, as soon as the recognition or renewal is granted to such agencies.

(*3*) The State Government shall get every Specialised Adoption Agency inspected at least once in a year and take necessary remedial measures, if required.

(*4*) In case any Specialised Adoption Agency is in default in taking necessary steps on its part as provided in this Act or in the adoption regulations framed by the Authority, for getting an orphan or abandoned or surrendered child legally free for adoption from the Committee or in completing the home study report of the prospective adoptive parents or in obtaining adoption order from the court within the stipulated time, such Specialised Adoption Agency shall be punishable with a fine which may extend up to fifty thousand rupees and in case of repeated default, the recognition of the Specialised Adoption Agency shall be withdrawn by the State Government.

Adoption of children residing in institutions not registered as adoption agencies.

66. (*1*) All the institutions registered under this Act, which may not have been recognised as Specialised Adoption Agencies, shall also ensure that all orphan or abandoned or surrendered children under their care are reported, produced and declared legally free for adoption, by the Committee as per the provisions of section 38.

(*2*) All institutions referred to in sub-section (*1*) shall develop formal linkages with nearby Specialised Adoption Agency and shall furnish details of the children declared legally free for adoption to that Specialised Adoption Agency along with all relevant records in the manner as may be prescribed, for the placement of such children in adoption.

(*3*) If any such institution contravenes the provisions of sub-section (*1*) or sub-section (*2*), it shall be liable to fine of fifty thousand rupees for each instance to be imposed by the registering authority and it may also attract de-recognition in the event of persistent flouting of such provisions.

State Adoption Resource Agency.

67. (*1*) The State Government shall set up a State Adoption Resource Agency for dealing with adoptions and related matters in the State under the guidance of Authority.

(*2*) The State Agency, wherever already exists, shall be deemed to be set up under this Act.

Central Adoption Resource Authority.

68. The Central Adoption Resource Agency existing before the commencement of this Act, shall be deemed to have been constituted as the Central Adoption Resource Authority under this Act to perform the following functions, namely:—

(*a*) to promote in-country adoptions and to facilitate inter-State adoptions in co-ordination with State Agency;

(*b*) to regulate inter-country adoptions;

(*c*) to frame regulations on adoption and related matters from time to time as may be necessary;

(*d*) to carry out the functions of the Central Authority under the Hague Convention on Protection of Children and Cooperation in respect of Inter-country Adoption;

(*e*) any other function as may be prescribed.

Steering Committee of Authority.

69. (*1*) The Authority shall have a Steering Committee with following members :

(*a*) Secretary, Ministry of Women and Child Development, Government of India, who shall be the Chairperson—*ex officio*;

(*b*) Joint Secretary, Ministry of Women and Child Development, Government of India, dealing with Authority—*ex officio*;

(*c*) Joint Secretary, Ministry of Women and Child Development, Government of India, dealing with Finance—*ex officio*;

(*d*) one State Adoption Resource Agency and two Specialised Adoption Agencies;

(*e*) one adoptive parent and one adoptee;

(*f*) one advocate or a professor having at least ten years of experience in family law;

(*g*) Member-Secretary, who shall also be Chief Executive Officer of the organisation.

(*2*) Criteria for the selection or nomination of the Members mentioned at (*d*) to (*f*), their tenure as well as the terms and conditions of their appointment shall be such as may be prescribed.

(*3*) The Steering Committee shall have the following functions, namely:—

(*a*) to oversee the functioning of Authority and review its working from time to time so that it operates in most effective manner;

(*b*) to approve the annual budget, annual accounts and audit reports as well as the action plan and annual report of Authority;

(*c*) to adopt the recruitment rules, service rules, financial rules of Authority as well as the other regulations for the exercise of the administrative and programmatic powers within the organisation, with the prior approval of the Central Government;

(*d*) any other function that may be vested with it by the Central Government from time to time.

(*4*) The Steering Committee shall meet once in a month in the manner as may be prescribed.

(*5*) The Authority shall function from its headquarter and through its regional offices as may be set up as per its functional necessity.

Powers of Authority.

70. (*1*) For the efficient performance of its functions, Authority shall have the following powers, namely:—

(*a*) to issue instructions to any Specialised Adoption Agency or a Children Home or any child care institution housing any orphan, abandoned or surrendered child, any State Agency or any authorised foreign adoption agency and such directions shall be complied by such agencies;

(*b*) recommending to the concerned Government or Authority to take appropriate action against any official or functionary or institution under its administrative control, in case of persistent non-compliance of the instructions issued by it;

(*c*) forwarding any case of persistent non-compliance of its instructions by any official or functionary or institution to a Magistrate having jurisdiction to try the same and the Magistrate to whom any such case is forwarded shall proceed to hear the same as if the case has been forwarded to him under section 346 of the Code of Criminal Procedure, 1973;

2 of 1974

(*d*) any other power that may be vested with it by the Central Government.

(*2*) In case of any difference of opinion in an adoption case, including the eligibility of prospective adoptive parents or of a child to be adopted, the decision of Authority shall prevail.

Annual Report of Authority.

71. (*1*) The Authority shall submit an annual report to the Central Government in such manner as may be prescribed.

(*2*) The Central Government shall cause the annual report of Authority to be laid before each House of Parliament.

Grants by Central Governmen

72. (*1*) The Central Government shall, after due appropriation made by Parliament by law in this behalf, pay to the Authority by way of grants such sums of money as the Central Government may think fit for being utilised for performing the functions of Authority under this Act.

(*2*) The Authority may spend such sums of money as it thinks fit for performing the functions, as prescribed under this Act, and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (*1*).

Accounts and audit of Authority.

73. (*1*) The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(*2*) The accounts of Authority shall be audited by the Comptroller and Auditor-General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Authority to the Comptroller and Auditor-General.

(*3*) The Comptroller and Auditor-General and any person appointed by him in connection with the audit of the accounts of the Authority under this Act shall, have the same rights and privileges and the Authority in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of Authority.

(*4*) The accounts of the Authority as certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the Central Government by the Authority.

(*5*) The Central Government shall cause the audit report to be laid, as soon as may be after it is received, before each House of Parliament.

CHAPTER IX

OTHER OFFENCES AGAINST CHILDREN

Prohibition on disclosure of identity of children.

74. (*1*) No report in any newspaper, magazine, news-sheet or audio-visual media or other forms of communication regarding any inquiry or investigation or judicial procedure, shall disclose the name, address or school or any other particular, which may lead to the identification of a child in conflict with law or a child in need of care and protection or a child victim or witness of a crime, involved in such matter, under any other law for the time being in force, nor shall the picture of any such child be published:

Provided that for reasons to be recorded in writing, the Board or Committee, as the case may be, holding the inquiry may permit such disclosure, if in its opinion such disclosure is in the best interest of the child.

(*2*) The Police shall not disclose any record of the child for the purpose of character certificate or otherwise in cases where the case has been closed or disposed of.

(*3*) Any person contravening the provisions of sub-section (*1*) shall be punishable with imprisonment for a term which may extend to six months or fine which may extend to two lakh rupees or both.

Punishment for cruelty to child.

75. Whoever, having the actual charge of, or control over, a child, assaults, abandons, abuses, exposes or wilfully neglects the child or causes or procures the child to be assaulted, abandoned, abused, exposed or neglected in a manner likely to cause such child unnecessary mental or physical suffering, shall be punishable with imprisonment for a term which may extend to three years or with fine of one lakh rupees or with both:

Provided that in case it is found that such abandonment of the child by the biological parents is due to circumstances beyond their control, it shall be presumed that such abandonment is not wilful and the penal provisions of this section shall not apply in such cases:

Provided further that if such offence is committed by any person employed by or managing an organisation, which is entrusted with the care and protection of the child, he shall be punished with rigorous imprisonment which may extend up to five years, and fine which may extend up to five lakhs rupees:

Provided also that on account of the aforesaid cruelty, if the child is physically incapacitated or develops a mental illness or is rendered mentally unfit to perform regular

tasks or has risk to life or limb, such person shall be punishable with rigorous imprisonment, not less than three years but which may be extended up to ten years and shall also be liable to fine of five lakhs rupees.

Employment of child for begging.

76. (*1*) Whoever employs or uses any child for the purpose of begging or causes any child to beg shall be punishable with imprisonment for a term which may extend to five years and shall also be liable to fine of one lakh rupees:

Provided that, if for the purpose of begging, the person amputates or maims the child, he shall be punishable with rigorous imprisonment for a term not less than seven years which may extend up to ten years, and shall also be liable to fine of five lakh rupees.

(*2*) Whoever, having the actual charge of, or control over the child, abets the commission of an offence under sub-section (*1*), shall be punishable with the same punishment as provided for in sub-section (*1*) and such person shall be considered to be unfit under sub-clause (*v*) of clause (*14*) of section 2:

Provided that the said child, shall not be considered a child in conflict with law under any circumstances, and shall be removed from the charge or control of such guardian or custodian and produced before the Committee for appropriate rehabilitation.

Penalty for giving intoxicating liquor or narcotic drug or psychotropic substance to a child.

77. Whoever gives, or causes to be given, to any child any intoxicating liquor or any narcotic drug or tobacco products or psychotropic substance, except on the order of a duly qualified medical practitioner, shall be punishable with rigorous imprisonment for a term which may extend to seven years and shall also be liable to a fine which may extend up to one lakh rupees.

Using a child for vending, peddling, carrying, supplying or smuggling any intoxicating liquor, narcotic drug or psychotropic substance.

78. Whoever uses a child, for vending, peddling, carrying, supplying or smuggling any intoxicating liquor, narcotic drug or psychotropic substance, shall be liable for rigorous imprisonment for a term which may extend to seven years and shall also be liable to a fine up to one lakh rupees.

Exploitation of a child employee.

79. Notwithstanding anything contained in any law for the time being in force, whoever ostensibly engages a child and keeps him in bondage for the purpose of employment or withholds his earnings or uses such earning for his own purposes shall be punishable with rigorous imprisonment for a term which may extend to five years and shall also be liable to fine of one lakh rupees.

Explanation.—For the purposes of this section, the term "employment" shall also include selling goods and services, and entertainment in public places for economic gain.

Punitive measures for adoption without following prescribed procedures.

80. If any person or organisation offers or gives or receives, any orphan, abandoned or surrendered child, for the purpose of adoption without following the provisions or procedures as provided in this Act, such person or organisation shall be punishable with imprisonment of either description for a term which may extend up to three years, or with fine of one lakh rupees, or with both:

Provided in case where the offence is committed by a recognised adoption agency, in addition to the above punishment awarded to the persons in-charge of, and responsible for the conduct of the day-to-day affairs of the adoption agency, the registration of such agency under section 41 and its recognition under section 65 shall also be withdrawn for a minimum period of one year.

Sale and procurement of children for any purpose.

81. Any person who sells or buys a child for any purpose shall be punishable with rigorous imprisonment for a term which may extend to five years and shall also be liable to fine of one lakh rupees:

Provided that where such offence is committed by a person having actual charge of the child, including employees of a hospital or nursing home or maternity home, the term of imprisonment shall not be less than three years and may extend up to seven years.

Corporal punishment.

82. (*1*) Any person in-charge of or employed in a child care institution, who subjects a child to corporal punishment with the aim of disciplining the child, shall be liable, on the first conviction, to a fine of ten thousand rupees and for every subsequent offence, shall be liable for imprisonment which may extend to three months or fine or with both.

(*2*) If a person employed in an institution referred to in sub-section (*1*), is convicted of an offence under that sub-section, such person shall also be liable for dismissal from service, and shall also be debarred from working directly with children thereafter.

(*3*) In case, where any corporal punishment is reported in an institution referred to in sub-section (*1*) and the management of such institution does not cooperate with any inquiry or comply with the orders of the Committee or the Board or court or State Government, the person in-charge of the management of the institution shall be liable for punishment with imprisonment for a term not less than three years and shall also be liable to fine which may extend to one lakh rupees.

Use of child by militant groups or other adults.

83. (*1*) Any non-State, self-styled militant group or outfit declared as such by the Central Government, if recruits or uses any child for any purpose, shall be liable for rigorous imprisonment for a term which may extend to seven years and shall also be liable to fine of five lakh rupees.

(*2*) Any adult or an adult group uses children for illegal activities either individually or as a gang shall be liable for rigorous imprisonment for a term which may extend to seven years and shall also be liable to fine of five lakh rupees.

Kidnapping and abduction of child.

84. For the purposes of this Act, the provisions of sections 359 to 369 of the Indian Penal Code, shall *mutatis mutandis* apply to a child or a minor who is under the age of eighteen years and all the provisions shall be construed accordingly. 45 of 1860.

Offences committed on disabled children.

85. Whoever commits any of the offences referred to in this Chapter on any child who is disabled as so certified by a medical practitioner, then, such person shall be liable to twice the penalty provided for such offence.

Explanation.—For the purposes of this Act, the term "disability" shall have the same meaning as assigned to it under clause (*i*) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. 1 of 1996.

Classification of offences and designated court.

86. (*1*) Where an offence under this Act is punishable with imprisonment for a term more than seven years, then, such offence shall be cognizable, non-bailable and triable by a Children's Court.

(*2*) Where an offence under this Act is punishable with imprisonment for a term of three years and above, but not more than seven years, then, such offence shall be cognizable, non-bailable and triable by a Magistrate of First Class.

(*3*) Where an offence, under this Act, is punishable with imprisonment for less than three years or with fine only, then, such offence shall be non-cognizable, bailable and triable by any Magistrate.

Abetment.

87. Whoever abets any offence under this Act, if the act abetted is committed in consequence of the abetment, shall be punished with the punishment provided for that offence.

Explanation.— An act or offence is said to be committed in consequence of abetment, when it is committed in consequence of the instigation, or in pursuance of the conspiracy or with the aid, which constitutes the abetment.

Alternative punishment.

88. Where an act or omission constitutes an offence punishable under this Act and also under any other law for the time being in force, then, notwithstanding anything contained in any such law, the offender found guilty of such offence shall be liable for punishment under such law which provides for punishment which is greater in degree.

Offence committed by child under this Chapter.

89. Any child who commits any offence under this Chapter shall be considered as a child in conflict with law under this Act.

CHAPTER X

MISCELLANEOUS

Attendance of parent or guardian of child.

90. The Committee or the Board, as the case may be, before which a child is brought under any of the provisions of this Act, may, whenever it so thinks fit, require any parent or guardian having the actual charge of the child to be present at any proceeding in respect of that child.

Dispensing with attendance of child.

91. (*1*) If, at any stage during the course of an inquiry, the Committee or the Board is satisfied that the attendance of the child is not essential for the purpose of inquiry, the Committee or the Board, as the case may be, shall dispense with the attendance of a child and limit the same for the purpose of recording the statement and subsequently, the inquiry shall continue even in the absence of the child concerned, unless ordered otherwise by the Committee or the Board.

(*2*) Where the attendance of a child is required before the Board or the Committee, such child shall be entitled to travel reimbursement for self and one escort accompanying the child as per actual expenditure incurred, by the Board, or the Committee or the District Child Protection Unit, as the case may be.

Placement of a child suffering from disease requiring prolonged medical treatment in an approved place.

92. When a child, who has been brought before the Committee or the Board, is found to be suffering from a disease requiring prolonged medical treatment or physical or mental complaint that will respond to treatment, the Committee or the Board, as the case may be, may send the child to any place recognised as a fit facility as prescribed for such period as it may think necessary for the required treatment.

Transfer of a child who is mentally ill or addicted to alcohol or other drugs.

93. (*1*) Where it appears to the Committee or the Board that any child kept in a special home or an observation home or a Children's Home or in an institution in pursuance of the provisions of this Act, is a mentally ill person or addicted to alcohol or other drugs which lead to behavioural changes in a person, the Committee or the Board , may order removal of such child to a psychiatric hospital or psychiatric nursing home in accordance with the provisions of the Mental Health Act, 1987 or the rules made thereunder.

14 of 1987.

(*2*) In case the child had been removed to a psychiatric hospital or psychiatric nursing home under sub-section (*1*), the Committee or the Board may, on the basis of the advice given in the certificate of discharge of the psychiatric hospital or psychiatric nursing home, order to remove such child to an Integrated Rehabilitation Centre for Addicts or similar centres maintained by the State Government for mentally ill persons (including the persons addicted to any narcotic drug or psychotropic substance) and such removal shall be only for the period required for the inpatient treatment of such child.

Explanation.—For the purposes of this sub-section,—

(*a*) "Integrated Rehabilitation Centre for Addicts" shall have the meaning assigned to it under the scheme called "Central Sector Scheme of Assistance for

Prevention of Alcoholism and Substance (Drugs) Abuse and for Social Defence Services" framed by the Central Government in the Ministry of Social Justice and Empowerment or any other corresponding scheme for the time being in force;

(*b*) "mentally ill person" shall have the same meaning assigned to it in clause (*l*) of section 2 of the Mental Health Act, 1987; 14 of 1987.

(*c*) "psychiatric hospital" or "psychiatric nursing home" shall have the same meaning assigned to it in clause (*q*) of section 2 of the Mental Health Act, 1987. 14 of 1987.

Presumption and determination of age.

94. (*1*) Where, it is obvious to the Committee or the Board, based on the appearance of the person brought before it under any of the provisions of this Act (other than for the purpose of giving evidence) that the said person is a child, the Committee or the Board shall record such observation stating the age of the child as nearly as may be and proceed with the inquiry under section 14 or section 36, as the case may be, without waiting for further confirmation of the age.

(*2*) In case, the Committee or the Board has reasonable grounds for doubt regarding whether the person brought before it is a child or not, the Committee or the Board, as the case may be, shall undertake the process of age determination, by seeking evidence by obtaining—

(*i*) the date of birth certificate from the school, or the matriculation or equivalent certificate from the concerned examination Board, if available; and in the absence thereof;

(*ii*) the birth certificate given by a corporation or a municipal authority or a panchayat;

(*iii*) and only in the absence of (*i*) and (*ii*) above, age shall be determined by an ossification test or any other latest medical age determination test conducted on the orders of the Committee or the Board:

Provided such age determination test conducted on the order of the Committee or the Board shall be completed within fifteen days from the date of such order.

(*3*) The age recorded by the Committee or the Board to be the age of person so brought before it shall, for the purpose of this Act, be deemed to be the true age of that person.

Transfer of a child to place of residence.

95. (*1*) If during the inquiry it is found that a child hails from a place outside the jurisdiction, the Board or Committee, as the case may be, shall, if satisfied after due inquiry that it is in the best interest of the child and after due consultation with the Committee or the Board of the child's home district, order the transfer of the child, as soon as possible, to the said Committee or the Board, along with relevant documents and following such procedure as may be prescribed:

Provided that such transfer can be made in case of a child in conflict with law, only after the inquiry has been completed and final order passed by the Board:

Provided further that in case of inter-State transfer, the child shall be, if convenient, handed over to the Committee or the Board, as the case may be, of the home district of the child, or to the Committee or the Board in the capital city of the home State.

(*2*) Once the decision to transfer is finalised, the Committee or Board, as the case may be, shall give an escort order to the Special Juvenile Police Unit to escort the child, within fifteen days of receiving such order:

Provided that a girl child shall be accompanied by a woman police officer:

Provided further that wnere a Special Juvenile Police Unit is not available, the Committee or Board, as the case may be, shall direct the institution where the child is

temporarily staying or District Child Protection Unit, to provide an escort to accompany the child during travel.

(*3*) The State Government shall make rules to provide for travelling allowance to the escorting staff for the child, which shall be paid in advance.

(*4*) The Committee or the Board, as the case may be, receiving the transferred child will process for restoration or rehabilitation or social re-integration, as provided in this Act.

Transfer of child between Children's Homes, or special homes or fit facility or fit person in different parts of India.

96. (*1*) The State Government may at any time, on the recommendation of a Committee or Board, as the case may be, notwithstanding anything contained in this Act, and keeping the best interest of the child in mind, order the child's transfer from any Children's Home or special home or fit facility or fit person, to a home or facility, within the State with prior intimation to the concerned Committee or the Board:

Provided that for transfer of a child between similar home or facility or person within the same district, the Committee or Board, as the case may be, of the said district shall be competent to issue such an order.

(*2*) If transfer is being ordered by a State Government to an institution outside the State, this shall be done only in consultation with the concerned State Government.

(*3*) The total period of stay of the child in a Children's Home or a special home shall not be increased by such transfer.

(*4*) Orders passed under sub-sections (*1*) and (*2*) shall be deemed to be operative for the Committee or the Board, as the case may be, of the area to which the child is sent.

Release of a child from an institution.

97. (*1*) When a child is kept in a Children's Home or special home, on a report of a probation officer or social worker or of Government or a voluntary or non-governmental organisation, as the case may be, the Committee or the Board may consider, the release of such child, either absolutely or on such conditions as it may think fit to impose, permitting the child to live with parents or guardian or under the supervision of any authorised person named in the order, willing to receive and take charge, educate and train the child, for some useful trade or calling or to look after the child for rehabilitation:

Provided that if a child who has been released conditionally under this section, or the person under whose supervision the child has been placed, fails to fulfil such conditions, the Board or Committee may, if necessary, cause the child to be taken charge of and to be placed back in the concerned home.

(*2*) If the child has been released on a temporary basis, the time during which the child is not present in the concerned home in pursuance of the permission granted under sub-section (*1*) shall be deemed to be part of the time for which the child is liable to be kept in the children or special home:

Provided that in case of a child in conflict with law fails to fulfil the conditions set by the Board as mentioned in sub-section (*1*), the time for which he is still liable to be kept in the institution shall be extended by the Board for a period equivalent to the time which lapses due to such failure.

Leave of absence to a child placed in an institution.

98. (*1*) The Committee or the Board, as the case may be, may permit leave of absence to any child, to allow him, on special occasions like examination, marriage of relatives, death of kith or kin or accident or serious illness of parent or any emergency of like nature, under supervision, for a period generally not exceeding seven days in one instance, excluding the time taken in journey.

(*2*) The time during which a child is absent from an institution where he is placed, in pursuance of such permission granted under this section, shall be deemed to be part of the time for which he is liable to be kept in the Children's Home or special home.

(*3*) If a child refuses, or has failed to return to the Children's Home or special home, as the case may be, on the leave period being exhausted or permission being revoked or

forfeited, the Board or Committee may, if necessary, cause him to be taken charge of and to be taken back to the concerned home:

Provided that when a child in conflict with law has failed to return to the special home on the leave period being exhausted or on permission being revoked or forfeited, the time for which he is still liable to be kept in the institution shall be extended by the Board for a period equivalent to the time which lapses due to such failure.

Reports to be treated as confidential.

99. (*1*) All reports related to the child and considered by the Committee or the Board shall be treated as confidential:

Provided that the Committee or the Board, as the case may be, may, if it so thinks fit, communicate the substance thereof to another Committee or Board or to the child or to the child's parent or guardian, and may give such Committee or the Board or the child or parent or guardian, an opportunity of producing evidence as may be relevant to the matter stated in the report.

(*2*) Notwithstanding anything contained in this Act, the victim shall not be denied access to their case record, orders and relevant papers.

Protection of action taken in good faith.

100. No suit, prosecution or other legal proceeding shall lie against the Central Government, or the State Government or any person acting under the directions of the Central Government or State Government, as the case may be, in respect of anything which is done in good faith or intended to be done in pursuance of this Act or of any rules or regulations made thereunder.

Appeals.

101. (*1*) Subject to the provisions of this Act, any person aggrieved by an order made by the Committee or the Board under this Act may, within thirty days from the date of such order, prefer an appeal to the Children's Court, except for decisions by the Committee related to Foster Care and Sponsorship After Care for which the appeal shall lie with the District Magistrate:

Provided that the Court of Sessions, or the District Magistrate, as the case may be, may entertain the appeal after the expiry of the said period of thirty days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time and such appeal shall be decided within a period of thirty days.

(*2*) An appeal shall lie against an order of the Board passed after making the preliminary assessment into a heinous offence under section 15 of the Act, before the Court of Sessions and the Court may, while deciding the appeal, take the assistance of experienced psychologists and medical specialists other than those whose assistance has been obtained by the Board in passing the order under the said section.

(*3*) No appeal shall lie from,—

(*a*) any order of acquittal made by the Board in respect of a child alleged to have committed an offence other than the heinous offence by a child who has completed or is above the age of sixteen years; or

(*b*) any order made by a Committee in respect of finding that a person is not a child in need of care and protection.

(*4*) No second appeal shall lie from any order of the Court of Session, passed in appeal under this section.

(*5*) Any person aggrieved by an order of the Children's Court may file an appeal before the High Court in accordance with the procedure specified in the Code of Criminal Procedure, 1973. 2 of 1974.

Revision.

102. The High Court may, at any time, either on its own motion or on an application received in this behalf, call for the record of any proceeding in which any Committee or Board or Children's Court, or Court has passed an order, for the purpose of satisfying itself as to the legality or propriety of any such order and may pass such order in relation thereto as it thinks fit:

Provided that the High Court shall not pass an order under this section prejudicial to any person without giving him a reasonable opportunity of being heard.

Procedure in inquiries, appeals and revision proceedings.

103. (*1*) Save as otherwise expressly provided by this Act, a Committee or a Board while holding any inquiry under any of the provisions of this Act, shall follow such procedure as may be prescribed and subject thereto, shall follow, as far as may be, the procedure laid down in the Code of Criminal Procedure, 1973 for trial of summons cases. 2 of 1974.

(*2*) Save as otherwise expressly provided by or under this Act, the procedure to be followed in hearing appeals or revision proceedings under this Act shall be, as far as practicable, in accordance with the provisions of the Code of Criminal Procedure, 1973. 2 of 1974.

Power of the Committee or the Board to amend its own orders.

104. (*1*) Without prejudice to the provisions for appeal and revision contained in this Act, the Committee or the Board may, on an application received in this behalf, amend any orders passed by itself, as to the institution to which a child is to be sent or as to the person under whose care or supervision a child is to be placed under this Act:

Provided that during the course of hearing for amending any such orders, there shall be at least two members of the Board of which one shall be the Principal Magistrate and at least three members of the Committee and all persons concerned, or their authorised representatives, whose views shall be heard by the Committee or the Board, as the case may be, before the said orders are amended.

(*2*) Clerical mistakes in orders passed by the Committee or the Board or errors arising therein from any accidental slip or omission may, at any time, be corrected by the Committee or the Board, as the case may be, either on its own motion or on an application received in this behalf.

Juvenile justice fund.

105. (*1*) The State Government may create a fund in such name as it thinks fit for the welfare and rehabilitation of the children dealt with under this Act.

(*2*) There shall be credited to the fund such voluntary donations, contributions or subscriptions as may be made by any individual or organisation.

(*3*) The fund created under sub-section (*1*) shall be administered by the Department of the State Government implementing this Act in such manner and for such purposes as may be prescribed.

State Child Protection Society and District Child Protection Unit.

106. Every State Government shall constitute a Child Protection Society for the State and Child Protection Unit for every District, consisting of such officers and other employees as may be appointed by that Government, to take up matters relating to children with a view to ensure the implementation of this Act, including the establishment and maintenance of institutions under this Act, notification of competent authorities in relation to the children and their rehabilitation and co-ordination with various official and non-official agencies concerned and to discharge such other functions as may be prescribed.

Child Welfare Police Officer and Special Juvenile Police Unit.

107. (*1*) In every police station, at least one officer, not below the rank of assistant sub-inspector, with aptitude, appropriate training and orientation may be designated as the child welfare police officer to exclusively deal with children either as victims or perpetrators, in co-ordination with the police, voluntary and non-governmental organisations.

(*2*) To co-ordinate all functions of police related to children, the State Government shall constitute Special Juvenile Police Units in each district and city, headed by a police officer not below the rank of a Deputy Superintendent of Police or above and consisting of all police officers designated under sub-section (*1*) and two social workers having experience of working in the field of child welfare, of whom one shall be a woman.

(*3*) All police officers of the Special Juvenile Police Units shall be provided special training, especially at induction as child welfare police officer, to enable them to perform their functions more effectively.

(*4*) Special Juvenile Police Unit also includes Railway police dealing with children.

Public awareness on provisions of Act.

108. The Central Government and every State Government, shall take necessary measures to ensure that—

(*a*) the provisions of this Act are given wide publicity through media including television, radio and print media at regular intervals so as to make the general public, children and their parents or guardians aware of such provisions;

(*b*) the officers of the Central Government, State Government and other concerned persons are imparted periodic training on the matters relating to the implementation of the provisions of this Act.

Monitoring of implementation of Act.

109. (*1*) The National Commission for Protection of Child Rights constituted under section 3, or as the case may be, the State Commission for Protection of Child Rights constituted under section 17 (herein referred to as the National Commission or the State Commission, as the case may be), of the Commissions for Protection of Child rights Act, 2005, shall, in addition to the functions assigned to them under the said Act, also monitor the implementation of the provisions of this Act, in such manner, as may be prescribed. 4 of 2006.

(*2*) The National Commission or, as the case may be, the State Commission, shall, while inquiring into any matter relating to any offence under this Act, have the same powers as are vested in the National Commission or the State Commission under the Commissions for Protection of Child Rights Act, 2005. 4 of 2006.

(*3*) The National Commission or, as the case may be, the State Commission, shall also include its activities under this section, in the annual report referred to in section 16 of the Commissions for Protection of Child Rights Act, 2005. 4 of 2006.

Power to make rules.

110. (*1*) The State Government shall, by notification in the Official Gazette, make rules to carry out the purposes of this Act:

Provided that the Central Government may, frame model rules in respect of all or any of the matters with respect to which the State Government is required to make rules and where any such model rules have been framed in respect of any such matter, they shall apply to the State *mutatis mutandis* until the rules in respect of that matter are made by the State Government and while making any such rules, they conform to such model rules.

(*2*) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely :—

(i) manner of inquiry in case of a missing or run away child or whose parents cannot be found under sub-clause (*vii*) of clause (*14*) of section 2;

(ii) responsibilities of the Child Welfare Officer attached to a Children's Home under clause (*18*) of section 2;

(iii) qualifications of the members of the Board under sub-section (*2*) of section 4;

(iv) induction training and sensitisation of all members of the Board under sub-section (*5*) of section 4;

(v) term of office of the members of the Board and the manner in which such member may resign under sub-section (*6*) of section 4;

(vi) time of the meetings of the Board and the rules of procedure in regard to the transaction of business at its meeting under sub-section (*1*) of section 7;

(vii) qualifications, experience and payment of fees of an interpreter or translator under clause (*d*) of sub-section (*3*) of section 8;

(viii) any other function of the Board under clause (*n*) of sub-section (*3*) of section 8;

(ix) persons through whom any child alleged to be in conflict with law may be produced before the Board and the manner in which such a child may be sent to an observation home or place of safety under sub-section (*2*) of section 10;

(x) manner in which a person apprehended and not released on bail by the officer-in-charge of the police station may be kept in an observation home until such person is brought before a Board under sub-section (*2*) of section 12;

(xi) format for information on pendency in the Board to the Chief Judicial Magistrate or the Chief Metropolitan Magistrate and District Magistrate on quarterly basis under sub-section (*3*) of section 16;

(xii) monitoring procedures and list of monitoring authorities under sub-section (*2*) of section 20;

(xiii) manner in which the relevant records of the child may be destroyed by the Board, police or the court under sub-section (*2*) of section 24;

(xiv) qualifications of the members of the Child Welfare Committee under sub-section (*5*) of section 27;

(xv) rules and procedures with regard to transaction of business at the meetings of the Child Welfare Committee under sub-section (*1*) of section 28;

(xvi) process of restoration of abandoned or lost children to their families under clause (*x*) of section 30;

(xvii) manner of submitting the report to the Committee and the manner of sending and entrusting the child to Children's Home or fit facility or fit person under sub-section (*2*) of section 31;

(xviii) manner of holding an inquiry by the Child Welfare Committee under sub-section (*1*) of section 36;

(xix) manner in which a child may be sent to a Specialised Adoption Agency if the child is below six years of age, Children's Home or to a fit facility or person or foster family, till suitable means of rehabilitation are found for the child including manner in which situation of the child placed in a Children's Home or with a fit facility or person or foster family, may be reviewed by the Committee under sub-section (*3*) of section 36;

(xx) manner in which a quarterly report may be submitted by the Committee to the District Magistrate for review of pendency of cases under sub-section (*4*) of section 36;

(xxi) any other order related to any other function of the Committee under clause (*iii*) of sub-section (*2*) of section 37;

(xxii) information to be given every month by the Committee to State Agency and Authority regarding number of children declared legally free for adoption and number of cases pending under sub-section (*5*) of section 38;

(xxiii) manner in which all institutions under this Act shall be registered under sub-section (*1*) of section 41;

(xxiv) procedure for cancelling or withholding registration of an institution that fails to provide rehabilitation and re-integration services under sub-section (*7*) of section 41;

(xxv) manner in which information shall be sent every month by the open shelter to the District Child Protection Unit and Committee under sub-section (*3*) of section 43;

(xxvi) procedure for placing children in foster care including group foster care under sub-section (*1*) of section 44;

(xxvii) procedure for inspection of children in foster care under sub-section (*4*) of section 44;

(xxviii) manner in which foster family shall provide education, health and nutrition to the child under sub-section (*6*) of section 44;

(xxix) procedure and criteria in which foster care services shall be provided to children under sub-section (*7*) of section 44;

(xxx) format for inspection of foster families by the Committee to check the well being of children under sub-section (*8*) of section 44;

(xxxi) purpose of undertaking various programmes of sponsorship of children, such as individual to individual sponsorship, group sponsorship or community sponsorship under sub-section (*1*) of section 45;

(xxxii) duration of sponsorship under sub-section (*3*) of section 45;

(xxxiii) manner of providing financial support to any child leaving institutional care on completing eighteen years of age under section 46;

(xxxiv) management and monitoring of observation homes, including the standards and various types of services to be provided by them for rehabilitation and social integration of a child alleged to be in conflict with law and the circumstances under which, and the manner in which, the registration of an observation home may be granted or withdrawn under sub-section (*3*) of section 47;

(xxxv) management and monitoring of special homes including the standards and various types of services to be provided to them under sub-section (*2*) and sub-section (*3*) of section 48;

(xxxvi) monitoring and management of children's homes including the standards and the nature of services to be provided by them, based on individual care plans for each child under sub-section (*3*) of section 50;

(xxxvii) manner in which a Board or the Committee shall recognise, a facility being run by a Governmental organisation or a voluntary or non-governmental organisation registered under any law for the time being in force, fit to temporarily take the responsibility of a child for a specific purpose after due inquiry regarding the suitability of the facility and the organisation to take care of the child under sub-section (*1*) of section 51;

(xxxviii) procedure of verification of credentials, for recognising any person fit to temporarily receive a child for care, protection and treatment of such child for a specified period by the Board or the Committee under sub-section (*1*) of section 52;

(xxxix) manner in which services shall be provided by an institution under this Act for rehabilitation and re-integration of children and standards for basic requirements such as food, shelter, clothing and medical attention under sub-section (*1*) of section 53;

(xl) manner in which Management Committee shall be set up by each institution for management of the institution and monitoring of the progress of every child under sub-section (*2*) of section 53;

(xli) activities that may be taken up by children's committees under sub-section (*3*) of section 53;

(xlii) appointment of inspection committees for all institutions registered or recognised fit, for the State and district under sub-section (*1*) of section 54;

(xliii) manner in which Central Government or State Government may independently evaluate the functioning of the Board, Committee, special juvenile police units, registered institutions, or recognised fit facilities and persons, including the period and through persons or institutions under sub-section (*1*) of section 55;

(xliv) manner in which institutions shall furnish details of children declared legally free for adoption to the Specialised Adoption Agency under sub-section (*2*) of section 66;

(xlv) any other function of the Authority under clause (*e*) of section 68;

(xlvi) criteria for the selection or nomination of the Members of the Steering Committee of the Authority and their tenure as well as the terms and conditions of their appointment under sub-section (*2*) of section 69;

(xlvii) manner in which Steering Committee of the Authority shall meet under sub-section (*4*) of section 69;

(xlviii) manner in which the Authority shall submit an annual report to the Central Government under sub-section (*1*) of section 71;

(xlix) functions of the Authority under sub-section (*2*) of section 72;

(l) manner in which the Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts under sub-section (*1*) of section 73;

(li) period that the Committee or Board may think necessary for the treatment of children who are found to be suffering from a disease requiring prolonged medical treatment or physical or mental complaint that will respond to treatment to a fit facility under section 92;

(lii) procedure for transfer of child under sub-section (*1*) of section 95;

(liii) provision for travelling allowance to the escorting staff for the child under sub-section (*3*) of section 95;

(liv) procedure to be followed by the Committee or a Board while holding any inquiry, appeal or revision under sub-section (*1*) of section 103;

(lv) manner in which juvenile justice fund shall be administered under sub-section (*3*) of section 105;

(lvi) functioning of the Child Protection Society for the State and Child Protection Units for every district under section 106;

(*lvii*) to enable the National Commission, or as the case may be, the State Commission to monitor implementation of the provisions of this Act under sub-section (*1*) of section 109;

(lviii) any other matter which is required to be, or may be, prescribed.

(*3*) Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

(*4*) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.

56 of 2000.

111. (*1*) The Juvenile Justice (Care and Protection of Children) Act, 2000 is hereby repealed. **Repeal and savings.**

(*2*) Notwithstanding such repeal, anything done or any action taken under the said Acts shall be deemed to have been done or taken under the corresponding provisions of this Act.

112. (*1*) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty: **Power to remove difficulties.**

Provided that no such order shall be made after the expiry of the period of two years from the commencement of this Act.

(*2*) However, order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

भाग-४ (ग)

कुछ नहीं

नियंत्रक, शासकीय मुद्रण तथा लेखन सामग्री, मध्यप्रदेश द्वारा शासकीय केन्द्रीय मुद्रणालय, भोपाल से मुद्रित तथा प्रकाशित—2016.